

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No.09-cv-01968-MSK-BNB

VOLUME SERVICES, INC.,

Plaintiff,

v.

MIKE SWEENEY,

Defendant.

**OPINION AND ORDER ADOPTING RECOMMENDATION AND
GRANTING DEFAULT JUDGMENT**

THIS MATTER comes before the Court pursuant to the December 3, 2009 Report and Recommendation (# 14) of United States Magistrate Judge Boyd N. Boland that the Plaintiff's Motion for Default Judgment (# 9) be granted in part and denied in part.¹ Specifically, Magistrate Judge Boland recommended that the Court enter a default judgment against the Defendant in the amount of \$347,392.25, along with prejudgment interest in the amount of \$38,531.93, plus costs. The Magistrate Judge recommended that the Court deny that portion of the Plaintiff's Motion for Default Judgment that sought treble damages and attorney's fees.

More than 10 days have passed since the Magistrate Judge issued the Recommendation, and no party has filed Objections. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1). Where no party files objections to a recommendation, the Court applies whatever standard of review to that

¹The Plaintiff has recently filed a Motion to Expedite (# 15) in this matter. Because the Court now rules on the underlying matter, this motion is denied as moot.

recommendation that it deems appropriate. *Summers v. State of Utah*, 927 F.2d 1165, 1167 (10th Cir.1991). This Court has reviewed the recommendation under the otherwise applicable *de novo* standard of Fed. R. Civ. P. 72(b).

Upon *de novo* review, the Court reaches precisely the same conclusions as the Magistrate Judge and for precisely the same reasons. Accordingly, the Court **ADOPTS** the Recommendation (**# 14**) in its entirety. The Plaintiff's Motion for Default Judgment (**# 9**) is **GRANTED**, and judgment by default in the amounts set forth above shall enter contemporaneously with this Order. The Plaintiff's Motion to Expedite (**# 15**) is **DENIED AS MOOT**.

Dated this 14th day of January, 2010

BY THE COURT:

A handwritten signature in black ink that reads "Marcia S. Krieger". The signature is written in a cursive style with a dot over the 'i' in "Krieger".

Marcia S. Krieger
United States District Judge