

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 09-cv-02681-REB-MEH

DAWNMARIE FIECHTNER,

Plaintiffs,

v.

AMERICAN FAMILY MUTUAL INSURANCE COMPANY,

Defendant.

**ORDER OVERRULING OBJECTIONS TO AND ADOPTING
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Blackburn, J.

The matters before me are (1) the magistrate judge's **Recommendation** [#96] filed October 19, 2010; and (2) **Plaintiff's Objection to Recommendations of United States Magistrate Judge** [#138] filed November 5, 2010. I overrule the objections, adopt the recommendation, and grant the motion for leave to amend the complaint in part and deny it is part as follows.


As required by 28 U.S.C. § 636(b), I have reviewed *de novo* all portions of the recommendation to which objections have been filed, and have considered carefully the recommendation, objections, and applicable caselaw. The recommendation is detailed and well-reasoned. Contrastingly, plaintiff's objections are imponderous and without merit. Therefore, I find and conclude that the arguments advanced, authorities cited, and findings of fact, conclusions of law, and recommendation proposed by the magistrate judge should be approved and adopted.

THEREFORE, IT IS ORDERED as follows:

1. That the magistrate judge's **Recommendation** [#96] filed October 19, 2010, is **APPROVED AND ADOPTED** as an order of this court;
2. That the objections stated in **Plaintiff's Objection to Recommendations of United States Magistrate Judge** [#138] filed November 5, 2010, are **OVERRULED**;
and
3. That **Plaintiff's Motion To Amend Scheduling Order and for Leave To File Amended Complaint To Assert Class Action Claims and Punitive Damages** [#34] (sealed entry [#25]), filed August 30, 2010, is **GRANTED IN PART** and **DENIED IN PART**:
 - a. That the motion is **GRANTED** insofar as plaintiff seeks leave to amend her complaint to add a claim for punitive damages; and
 - b. That in all other respects, the motion is **DENIED**, including but not limited to, that plaintiff's motion to amend her complaint to add class action claims.

Dated December 7, 2010, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge