

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

Civil Case No. 10-cv-02327-REB-MJW

CAMERON McARTHUR,

Plaintiff,

v.

SOURCEGAS LLC,

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 on Defendant's Motion To Dismiss and for Sanction (Docket No. 73) and Defendant's Motion for Summary Judgment (Docket No. 100)** [#114]¹ filed December 20, 2011; and (2) **Plaintiff's Objections to Recommendation on Defendant's Motion To Dismiss and for Sanction (Docket No. 73) and Defendant's Motion for Summary Judgment (Docket No. 100)** [#118] filed January 3, 2012. I overrule the objections, adopt the recommendation, and grant defendant's motion for summary judgment.

As required by 28 U.S.C. § 636(b), and Fed. R. Civ. P. 72(b)(3), I have reviewed *de novo* all portions of the recommendation to which objections have been filed and have considered carefully the recommendation, objections, response, record, and applicable caselaw. The recommendation is detailed and well-reasoned. Contrastingly,

¹ "[#114]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's electronic case filing and management system (CM/ECF). I use this convention throughout this order and the orders entered in this case.

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 on Defendant's Motion To Dismiss and for Sanction (Docket No. 73) and Defendant's Motion for Summary Judgment (Docket No. 100)** [#114] filed December 20, 2011, is **APPROVED AND ADOPTED** as an order of this court;

2. That the objections stated in **Plaintiff's Objections to Recommendation on Defendant's Motion To Dismiss and for Sanction (Docket No. 73) and Defendant's Motion for Summary Judgment (Docket No. 100)** [#118] filed January 3, 2012, are **OVERRULED**;

3. That defendant's **Motion for Summary Judgment** [#100] filed October 10, 2011, is **GRANTED**;

4. That **Defendant's Motion To Dismiss and for Sanctions** [#73], filed August 4, 2011, is **DENIED AS MOOT IN PART** and **GRANTED IN PART**, as follows:

a. That the motion is **DENIED AS MOOT** insofar as it seeks dismissal of plaintiff's claims pursuant to Fed. R. Civ. P. 41(b) as a sanction for litigation and discovery abuses;² and

² I note, however, that the pattern of abusive conduct detailed in the motion to dismiss and the magistrate judge's recommendation wholly would have justified dismissal as a sanction had summary judgment otherwise not been appropriate as to all claims.

b. That the motion is **GRANTED** insofar as it seeks monetary sanctions against plaintiff, including the fees and costs associated with plaintiff's deposition (to the extent such fees and costs are not otherwise available under Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1, as provided by paragraph 7 below) and in connection with preparing the motion to dismiss and for sanctions;

5. That plaintiff's claims against defendant are **DISMISSED WITH PREJUDICE**;

6. That judgment **SHALL ENTER** on behalf of defendant, SourceGas LLC, against plaintiff, Cameron McArthur, as to all claims for relief and causes of action; provided, that the judgment shall be with prejudice; and

7. That defendant is **AWARDED** its costs, to be taxed by the Clerk of the Court pursuant to Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

Dated January 18, 2012, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge