

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Christine M. Arguello**

Civil Action No. 11-cv-02838-CMA-BNB

ROSSI VENTURES, INC., and  
Y. MELINDA PASQUINI,

Plaintiffs,

v.

ANTONIO PASQUINI,  
PASQUINI FRANCHISING, LLC,  
PASQUINI'S RESTAURANTS, LLC,  
PASQUINI'S CHERRY CREEK, LLC,  
PASQUINI'S 17th, LLC, and  
PASQUINI'S COLFAX, LLC,

Defendants.

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**ORDER ADOPTING AND AFFIRMING APRIL 9, 2012  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

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This case was referred to United States Magistrate Judge Boyd N. Boland pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 72. (Doc. # 9.) On April 9, 2012, Judge Boland issued a Recommendation (Doc. # 56), advising the Court to grant Plaintiffs' "Motion for Preliminary Injunction" (Doc. # 14) with specifications set forth in the Recommendation. On April 23, 2012, Defendants timely filed "Objections to the April 9, 2012 Recommendation of United States Magistrate Judge" (Doc. # 58), to which Plaintiffs responded on May 8, 2012 (Doc. # 62).

When a magistrate judge issues a recommendation on a dispositive matter,<sup>1</sup> Fed. R. Civ. P. 72(b)(3) requires that the district judge “determine de novo any part of the magistrate judge’s [recommended] disposition that has been properly objected to.” In conducting its review, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” *Id.*

In the instant case, Defendants’ objections call for the Court to reject Judge Boland’s Recommendation and to deny Plaintiffs’ preliminary injunction motion. However, having conducted a *de novo* review of this case, including carefully reviewing all relevant pleadings, the Recommendation, Defendants’ objections, and Plaintiffs’ response thereto, the Court determines that Judge Boland’s Recommendation is correct, notwithstanding the arguments raised by Defendants. As such, the Court adopts Judge Boland’s thorough and detailed factual summary and legal analysis.

Accordingly, it is ORDERED that:

1. The Recommendation of Judge Boland (Doc. # 56), issued April 9, 2012, is ADOPTED and AFFIRMED as an Order of this Court.
2. Defendants’ objections (Doc. # 58) are OVERRULED, and their related request for a hearing is DENIED.

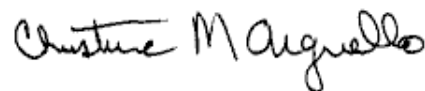
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<sup>1</sup> “For purpose of reference, motions for preliminary injunction are generally treated as dispositive motions . . . .” *Georgacarakos v. Wiley*, No. 07-cv-01712, 2008 WL 4216265, at \*19 (D. Colo. Sept. 12, 2008) (unpublished).

3. Pursuant to the Recommendation:
- a. Plaintiffs' "Motion for Preliminary Injunction" (Doc. # 14) is GRANTED as specified in the Recommendation.
  - b. Defendants and "their officers, agents, servants, employees, and all other persons in active concert or participation with them, [are] preliminarily enjoined from use of the name 'Pasquini's Pizzeria' or any variation thereof in connection with the operation of the restaurant located at 240 Milwaukee Street, Denver, Colorado."  
- and -
  - c. Plaintiffs are required to post security in the amount of \$50,000.
4. Defendants' "Motion for Leave to File Supplemental Brief for Objections to United States Magistrate Judge's Recommendation" (Doc. # 76) is DENIED.

DATED: June 28, 2012

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge