

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
LEWIS T. BABCOCK, JUDGE**

Civil Case No. 12-cv-01784-LTB-CBS

ANTHONY E. DEGOURVILLE,

Plaintiff,

v.

ANDREWS INTERNATIONAL,
TOM DAHL,
ROBERT WIBBEN,
PETE BRADLEY,
TOM PARRISH, and
MARLA GIBSON,

Defendants.

ORDER

This case is before me on the Recommendation of the Magistrate Judge issued and served on August 6, 2014 recommending that the Motion of Defendant Andrews International (Doc 64) be granted and that judgment be entered on the Amended Complaint in favor of this Defendant against the Plaintiff. The Magistrate Judge has thoroughly and comprehensively reviewed the Defendant's Motion as to the Plaintiff's discrimination claims based on race, color, national origin, hostile work environment, and retaliation in violation of Title VII of the Civil Rights Act, 42 U.S.C. § 200e(5) and his claim of discrimination based on age in violation of the Age Discrimination in Employment Act, 29 U.S.C. § 621 and violation of the Family Medical Leave Act, 29 U.S.C. § 2601. As a part of the thorough and comprehensive analysis of Defendant Andrews International's Summary Judgment motion,

the Magistrate Judge also notes that Defendants Tom Dahl, Robert Wibben, Pete Bradley, Tom Parrish, and Marla Gibson have not been served within the 120-day service requirement of Fed. R. Civ. P. 4(m). Indeed more than 720 days have passed since the filing of the Amended Complaint and the record before the Court reflects that these individual defendants have not been served in this action to date. Nor have they filed a waiver of service or appeared in this case.

The Plaintiff has filed written objections to the Magistrate Judge's recommendation. Although the objections arguably lack the required specificity, I will, nevertheless, consider the Magistrate Judge's recommendation *de novo* in light of the file and record in this case. Upon *de novo* review, I conclude that the Magistrate Judge's recommendation is correct. I also conclude that the individually named Defendants have not been served timely or appeared in this case. Accordingly, it is

ORDERED that the Defendant Andrews International's Motion for Summary Judgment (Doc 64) is GRANTED and judgment shall enter on the Amended Complaint in favor of this Defendant and against the Plaintiff.

IT IS FURTHER ORDERED that the Plaintiff's Amended Complaint against the individually named Defendants, Tom Dahl, Robert Wibben, Pete Bradley, Tom Parrish, and Marla Gibson is DISMISSED WITHOUT PREJUDICE.

BY THE COURT:

s/Lewis T. Babcock
Lewis T. Babcock, Judge

DATED: August 22, 2014