

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

Civil Case No. 13-cv-02453-LTB-KMT

WHITLOCK PACKAGING CORPORATION
on its own and derivatively on behalf of
FUZZEE BEE BEVERAGE, LLC,

Plaintiffs,

v.

BRIAN STEARNS and
FUZZEE BEE BEVERAGE, LLC,

Defendants.

ORDER

This case is before me on the recommendation of the Magistrate Judge issued and served on July 23, 2014 (Doc 57). Defendants have filed timely objections to the Magistrate Judge's recommendation. I have therefore reviewed the file and recommendation *de novo*. Accordingly, it is

ORDERED that the recommendation is accepted and Plaintiff's 12(b)(6) Motion to Dismiss Defendants' Counterclaim for Malicious Prosecution (Doc 47) is GRANTED.

BY THE COURT:

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

DATED: August 7, 2014