

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 14-cv-03420-PAB-NYW

ESMERALDO VILLANUEVA ECHON, JR.,
MARIBEL ECHON, and
JUSTIN ECHON,

Plaintiffs,

v.

WILLIAM SACKETT and
LEONIDA SACKETT,

Defendants.

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION

This matter is before the Court on the Recommendation of United States Magistrate Judge Nina Y. Wang filed on January 23, 2017 [Docket No. 91]. The Recommendation states that objections to the Recommendation must be filed within fourteen days after its service on the parties. See 28 U.S.C. § 636(b)(1)(C). The Recommendation was served on January 23, 2017. No party has objected to the Recommendation.

In the absence of an objection, the district court may review a magistrate judge's recommendation under any standard it deems appropriate. See *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when

neither party objects to those findings”). In this matter, the Court has reviewed the Recommendation to satisfy itself that there is “no clear error on the face of the record.”¹ Fed. R. Civ. P. 72(b), Advisory Committee Notes. Based on this review, the Court has concluded that the Recommendation is a correct application of the facts and the law. Accordingly, it is

ORDERED as follows:

1. The Recommendation of United States Magistrate Judge [Docket No. 91] is ACCEPTED.
2. Plaintiffs’ Motion for Fed. R. Civ. P. 37(b)(2) Sanctions [Docket No. 83] is granted in part and denied in part.
3. Plaintiffs’ request for default judgment as to all claims is denied.
4. Plaintiffs’ request directing certain matters or designated facts be taken as established for the purposes of this action is granted, to be addressed in further detail at a later date.
5. Plaintiffs’ request that defendants be prohibited from introducing designated matters is granted, to be addressed in further detail at a later date.
6. Plaintiffs may file a motion for summary judgment on or before April 10, 2017.
7. The Court awards plaintiffs reasonable expenses not already awarded by the magistrate judge, see Docket No. 90, associated with their attempts to secure responses to the interrogatories, including but not limited to attorney’s fees and costs

¹This standard of review is something less than a “clearly erroneous or contrary to law” standard of review, Fed. R. Civ. P. 72(a), which in turn is less than a de novo review. Fed. R. Civ. P. 72(b).

associated with the motion for sanctions. Any motion for fees and costs shall be filed on or before March 27, 2017.

8. Defendants' Motion to Vacate This Case [Docket No. 87] is denied.

DATED February 24, 2017.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge