

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

Civil Action No. 16-cv-02117-CMA-MLC

In RE: RUMSEY LAND CO. LLC,

Debtor.

RUMSEY LAND COMPANY, LLC, and
WILLIAM T. ROMANOWSKI,

Plaintiffs,

v.

RESOURCES LAND HOLDING, LLC,
SORIN NATURAL RESOURCE PARTNERS, LLC, and
PUEBLO BANK AND TRUST COMPANY, LLC,

Defendants.

**ORDER AFFIRMING AND ADOPTING THE RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE MARK L. CARMAN**

This matter is before the Court on the Recommendation by United States Magistrate Judge Mark L. Carman (Doc. # 75), wherein he recommended that this Court deny Defendants' Resource Land Holdings, LLC and Sorin Natural Resource Partners, LLC's ("RLH") Motion to Dismiss (Doc. # 31) and grant in part Defendant Pueblo Bank and Trust Company, LLC's ("PBT") Motion to Dismiss (Doc. # 36). The Recommendation is incorporated herein by reference. See 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

Magistrate Judge Carman advised the parties that specific written objections were due within fourteen (14) days after being served with a copy of the Recommendation. (Doc. # 77.) Despite this advisement, no objections to the Recommendation have been filed. “[T]he district court is accorded considerable discretion with respect to the treatment of unchallenged magistrate reports. In the absence of timely objection, the district court may review a magistrate [judge’s] report under any standard it deems appropriate.” *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991).

After reviewing the Recommendation of Magistrate Judge Carman and all relevant pleadings and legal authority, the Court is satisfied that the Recommendation is sound and not clearly erroneous or contrary to law. See Fed. R. Civ. P. 72(a).

Accordingly, it is ORDERED that the Recommendation of the United States Magistrate Judge (Doc. # 75) is AFFIRMED and ADOPTED. It is

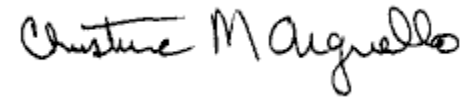
FURTHER ORDERED that Defendants RLH’s Motion to Dismiss (Doc. # 31) is DENIED. It is

FURTHER ORDERED that Defendant PBT’s Motion to Dismiss (Doc. # 36) is GRANTED as to Plaintiff William Romanowski’s Claims III and VI, and that these two claims, as alleged by Romanowski, are DISMISSED WITHOUT PREJUDICE. Claims III and VI, as asserted by Plaintiff Rumsey Land Co., LLC, remain. It is

FURTHER ORDERED that Defendant PBT’s Motion to Dismiss (Doc. # 36) is DENIED as to all other claims.

DATED: March 30, 2018

BY THE COURT:

A handwritten signature in black ink that reads "Christine M. Arguello". The signature is written in a cursive style with a large, looped initial "C".

CHRISTINE M. ARGUELLO
United States District Judge