

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GORDIAN MEDICAL, INC. d/b/a)	
AMERICAN MEDICAL TECHNOLOGIES)	
and AMT ULTIMATE HOLDINGS, L.P.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 22-319 (MN) (SRF)
)	
MISTY VAUGHN,)	
)	
Defendant.)	

ORDER

At Wilmington on this 18th day of November 2022,

WHEREAS, on November 3, 2022, Magistrate Judge Fallon issued a Report and Recommendation (“the Report”) (D.I. 45) recommending that Defendant Vaughn’s Motion to Transfer Venue or, in the alternative, to Dismiss for Failure to State a Claim or, in the second alternative, for More Definitive Statement be denied¹;

WHEREAS, Defendant filed objections (D.I. 46) to the Report, but failed to comply with paragraph 5 of this Court’s Standing Order for Objections Filed Under Fed. R. Civ. P. 72 issued on March 7, 2022, which states:

5. Certification. Any party filing objections with a District Judge to a Magistrate Judge’s order, ruling or recommended disposition **must** include, along with the objections, a written statement either certifying that the objections do not raise new legal/factual

¹ In the Report, Judge Fallon denied, pursuant to Rule 72(a) of the Federal Rules of Civil Procedures, the portion of Defendant Vaughn’s motion to compel a more definite statement. (D.I. 25). Further, Judge Fallon denied the following non-dispositive motions: (1) Defendant Vaughn’s Motion for Leave of Court to Supplement the Record with Respect to Defendant’s Motion to Transfer Venue (D.I. 38) and (2) Plaintiffs’ Cross-Motion to Strike All Portions of Defendant’s Reply Brief Asserting a New Argument Regarding the Status of AMT’s Registration to Do Business in Delaware (D.I. 40). As these motions were non-dispositive and no party filed objections, Judge Fallon’s ruling are final.


arguments, or identifies the new arguments and describes the good cause for failing to previously raise the new legal/factual arguments before the Magistrate Judge.

WHEREAS, the time for Defendant to submit objections that comply with both the Federal Rules and this Court's Standing Order has passed; and

WHEREAS, in view of Defendant's failure to timely file compliant objections, the Court views the Report as it would one to which no objections were filed.

THEREFORE, IT IS HEREBY ORDERED that Defendant's objections are OVERRULED for failure to comply with the Court's Standing Order for Objections Filed Under Fed. R. Civ. P. 72.

IT IS FURTHER ORDERED that, having found no clear error on the face of the record, the Report and Recommendation (D.I. 45) is ADOPTED and Defendant Vaughn's Motion to Transfer Venue or, in the alternative, to Dismiss for Failure to State a Claim or, in the second alternative, for More Definitive Statement is DENIED.



The Honorable Maryellen Noreika
United States District Judge