

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
07-CV-1963 (JMR/RLE)

Wayne Zych, Michael Currence,	)	
Whempner Brothers, Sisseton	)	
Livestock, Inc., Carson	)	
Larson, Marion Blom, Gregory	)	
A. Jensen, Fredin Brothers,	)	
Inc., Keith Kvistero, and	)	
Roger Stotts	)	
	)	
v.	)	ORDER
	)	
National Beef Packing	)	
Company, L.L.C.	)	

This matter is before the Court for consideration of the Report and Recommendation issued by the Honorable Raymond L. Erickson, United States Chief Magistrate Judge, on December 3, 2009 [Docket No. 172]. Defendant timely filed objections pursuant to Local Rule 72.2.

Based on a de novo review of the record, the Court adopts the Magistrate's Report and Recommendation.

Accordingly, IT IS ORDERED that defendant's motion for summary judgment [Docket No. 139] is granted in part and denied in part. Summary judgment is granted as to the claims based upon apparent agency, but denied as to the claims based upon actual agency.

Dated: February 3, 2010

s/ JAMES M. ROSENBAUM  
JAMES M. ROSENBAUM  
United States District Judge