

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Dave Thomas,

Civil No. 11-839 (DWF/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

United States Steel Corporation;  
United Steelworkers Union International;  
United Steel Workers District 33; United  
Steelworkers Local 1938; John Malec;  
United Steel, Paper and Forestry, Rubber,  
Manufacturing, Energy, Allied Industrial  
and Service Workers International Union;  
and John Malek,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated June 1, 2012 (Doc. No. 31). No objections have been filed to that Report and Recommendation in the time period permitted. Based upon the Report and Recommendation of the Magistrate Judge, the stipulation of the parties (Doc. No. 30), and upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

**ORDER**

**IT IS HEREBY ORDERED** that Count III of the First Amended Complaint (the Whistleblower claim) (Doc. No. [16]) is **DISMISSED WITH PREJUDICE** and on the merits, without fees or costs to date to any party.

Dated: June 20, 2012

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge