

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Joseph Dixon,

Plaintiff,

v.

Civil No. 11-2558 (JNE/JSM)  
ORDERClearwire Corporation, on behalf of its  
wholly-owned subsidiary Clear Wireless LLC

Defendant.

In a Report and Recommendation dated June 11, 2012, the Honorable Janie S. Mayeron, United States Magistrate Judge, recommended granting Defendant's Motion to Dismiss with regard to Plaintiff's RICO claim, denying Defendant's Motion to Dismiss with regard to the breach of contract claim, and denying Plaintiff's Motion for Summary Judgment, Motion for Sanctions, and Motion for Default Judgment. Plaintiff objected and Defendant responded. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation [Docket No. 35]. Therefore, IT IS ORDERED THAT:

1. Defendant's Motion to Dismiss [Docket No. 4] is GRANTED in part and DENIED in part as follows:
  - a. Defendant's Motion to Dismiss is GRANTED with regard to Plaintiff's RICO claim. Plaintiff's RICO claim is dismissed WITH PREJUDICE.
  - b. Defendant's Motion to Dismiss is DENIED with regard to Plaintiff's breach of contract claim.
2. Plaintiff's Motion for Summary Judgment [Docket No. 12] is DENIED without prejudice.
3. Plaintiff's Motion for Sanctions Against Defendant and its Counsel Kerry Middleton and Rhiannon Beckendorf on Grounds of Perjury [Docket No. 14] is DENIED.

4. Plaintiff's Motion for Default Judgment [Docket No. 18] is DENIED.

Dated: July 31, 2012

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge