

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Kallys Albert, Sr.,

Civil No. 12-1224 (DWF/FLN)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Principal Financial Group; Principal Life
Insurance Company; Orion Associates/
Meridian Services, Inc.; Stephen Hage;
and John Doe,

Defendants.

This matter is before the Court upon Plaintiff Kallys Albert Sr.'s ("Plaintiff") objections (Doc. No. 133) to Magistrate Judge Franklin L. Noel's February 10, 2014 Report and Recommendation (Doc. No. 132) insofar as it recommends that Defendants Orion Associates/Meridian Services, Inc. and Stephen Hage's (the "Orion Defendants") motion for summary judgment be granted. The Orion Defendants filed a response to Plaintiff's objections on March 11, 2014. (Doc. No. 135.) Plaintiff then submitted a responsive letter to the Court. (Doc. No. 136.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of the parties, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections. Having carefully reviewed the record, the Court

concludes that Plaintiff's objections offer no basis for departure from the Report and Recommendation.

Plaintiff appears to generally object to the Magistrate Judge's determination that the Orion Defendants' motion for summary judgment should be granted. (*See generally* Doc. No. 133.) While the Court disagrees with the Orion Defendants' assertions regarding the applicable standard of review here (*see* Doc. No. 135 at 2-4),¹ the Court nonetheless concludes that, viewing the evidence in the light most favorable to Plaintiff, no genuine issues of material fact remain for trial. Consequently, the Orion Defendants are entitled to judgment on all claims.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Kallys Albert, Sr.'s objections (Doc. No. [133]) to Magistrate Judge Franklin L. Noel's February 10, 2014 Report and Recommendation are

OVERRULED.

2. Magistrate Judge Franklin L. Noel's February 10, 2014 Report and Recommendation (Doc. No. [132]) is **ADOPTED.**

¹ The Orion Defendants appear to argue that a "clearly erroneous" standard of review applies here. (*See* Doc. No. 135 at 2-4.) The Court, however, has reviewed the record on the motion for summary judgment *de novo*.

3. The Orion Defendants' motion for summary judgment (Doc. No. [110]) is **GRANTED.**

4. Plaintiff's Amended Complaint (Doc. No. [15]) is **DISMISSED WITH PREJUDICE.**

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 21, 2014

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