

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**PROGRESSIVE BUYERS & SELLERS, )  
LLC and JULIE CARPER, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
COLDWELL BANKER TOWN & )  
COUNTRY REALTY OF KEARNEY, )  
LLC, et al., )  
 )  
Defendants. )**

**CASE NO. 4:09CV3232**

**MEMORANDUM  
AND ORDER**

Before the Court are the Findings and Recommendation of Magistrate Judge F.A. Gossett (Filing No. 137) recommending that the motion to compel filed by the Defendant Buffalo County Board of Realtors (“BCBR”) be granted. No objections have been filed. Under 28 U.S.C. § 636(b)(1), the Court has conducted a de novo review of the record and adopts the Findings and Recommendation their entirety.

**IT IS ORDERED:**

1. The Magistrate Judge’s Findings and Recommendation (Filing No. 137) are adopted in their entirety;
2. The motion to compel filed by the Defendant Buffalo County Board of Realtors (Filing No. 126) is granted in accordance with the Findings and Recommendation;
3. The claims of the Plaintiff, Julie Carper, against the Defendant Buffalo County Board of Realtors are dismissed with prejudice under Federal Rule of Civil Procedure 37(b)(2)(A)(v) as well as NECivR 41.2;

4. The Defendant Buffalo County Board of Realtors is awarded its costs and attorney fees incurred with respect to its Rule 37 motion; and
5. The Clerk is directed to mail a copy of this order to the Plaintiff, Julie Carper, at her last known address.

DATED this 15<sup>th</sup> day of September, 2010.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge