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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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R. WAYNE KLEIN, the Court-Appointed  
Receiver of U.S. Ventures LC, Winsome  
Investment Trust, and the assets of Robert  
J. Andres and Robert L. Holloway,

Plaintiff,

v.

WINGS OVER THE WORLD  
MINISTRIES and TERRY L. HARPER,

Defendants.

MEMORANDUM DECISION  
and ORDER ADOPTING REPORT &  
RECOMMENDATION

Case No. 2:12-cv-23-DN-DBP

District Judge David Nuffer

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Magistrate Judge Pead's Report and Recommendation (R & R)<sup>1</sup> under [28 U.S.C. § 636\(b\)\(1\)\(B\)](#) recommends that the court grant Receiver R. Wayne Klein's motion for entry of default<sup>2</sup> against Defendant Terry L. Harper and as a result of the entry of default, find all other pending motions<sup>3</sup> moot. The R & R contained proper notice of the right to object to the R & R within fourteen days of service.<sup>4</sup> No objections were filed.

The R & R recommends that the court grant the motion for entry of default based on Defendant Harper's ongoing

(1) blatant disregard of numerous court orders to refrain from submitting frivolous filings; (2) refusal to provide discovery responses despite a Court order to do so

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<sup>1</sup> Report & Recommendation, [docket no. 91](#), filed Mar. 5, 2014.

<sup>2</sup> Motion for Default Against Defendant Terry L. Harper, [docket no. 81](#), filed Jan. 29, 2014.

<sup>3</sup> Motion to Strike Affidavit of Tresspass [sic], [docket no. 75](#), filed Dec. 2, 2013; Motion to Strike Affidavit of Constructive Notice and for Default Against Defendant Terry L. Harper, [docket no. 79](#), filed Dec. 30, 2013; Respondent's Motion for Summar [sic] Judgment, [docket no. 82](#), filed Jan. 27, 2014; Respondent Harper's Ex Parte Motion in the Form of a "Writ of Error" Quae Coram Nobis on Granting Klein's Motion for Extension of Time to Respond to Harper's Summary Judgment [sic] Motion, [docket no. 89](#), filed Feb. 27, 2014.

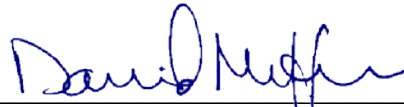
<sup>4</sup> R & R at 13; *see also* [Fed. R. Civ. P. 72\(b\)\(2\)](#) ("Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.").

and; (3) failure to pay the Receiver's reasonable attorney fees in the amount of \$1,143.75 despite being ordered to do so by the Court.<sup>5</sup>

All relevant materials have been reviewed de novo and the Report and Recommendation is adopted in its entirety. The motion to for entry of default<sup>6</sup> is GRANTED. All other motions pending in this case are MOOT.<sup>7</sup> Within 7 days of this order, the Receiver is directed to submit a Default Certificate to be entered by the Clerk of Court, after which the Receiver may proceed to move the court for default judgment against all parties.<sup>8</sup>

Signed March 28, 2014.

BY THE COURT



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District Judge David Nuffer

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<sup>5</sup> R & R at 12.

<sup>6</sup> [Docket no. 81](#).

<sup>7</sup> Docket nos. 75, 79, 82, 89.

<sup>8</sup> Default Certificate entered against Wings over the World Ministries, [docket no. 14](#), filed July 18, 2012.