

---

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

---

BARBARA BURGETT,

Plaintiff,

v.

DELTA AIRLINES, INC.,

Defendant.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Case No. 2:14-CV-00313

Judge Robert J. Shelby

---

This case has been referred to Magistrate Judge Dustin Pead pursuant to 28 U.S.C. § 626(b)(1)(B). Plaintiff Barbara Burgett shipped live dogs via Defendant Delta Airlines from Budapest, Hungary to Salt Lake City, Utah in April 2008. Ms. Burgett brought suit for, among other things, breach of contract, deceptive advertising and consumer sale practices, failure to disclose, breach of good faith and fair dealing, and pain and suffering. Delta moved to dismiss Ms. Burgett’s Complaint for failure to state a claim upon which relief may be granted. Fed. R. Civ. P. 12(b)(6).

Judge Pead issued a Report & Recommendation on February 10, 2015. (Dkt. 17.) Judge Pead recommended the court grant Delta’s Motion to Dismiss. Neither party submitted an objection to the Report & Recommendation within the allotted time frame.<sup>1</sup> In the absence of an objection, the court may apply a “clearly erroneous” standard. Under this standard, the court

---


<sup>1</sup> Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b).

“will affirm the Magistrate Judge’s ruling unless [the court] . . . is left with the definite and firm conviction that a mistake has been committed.”<sup>2</sup>

After reviewing the briefing, record, and relevant legal authorities, the court concludes that Judge Pead did not err in his analysis. The court therefore ADOPTS the Recommendation and **GRANTS** Delta’s Motion. (Dkt. 8.) Ms. Burgett’s claims are dismissed with prejudice, and the Clerk of Court is directed to close the case.

SO ORDERED this 10th day of March, 2015.

BY THE COURT:

  
\_\_\_\_\_  
ROBERT J. SHELBY  
United States District Judge

---

<sup>2</sup> *Thompson v. Astrue*, 2010 WL 1944779, at \*1 (D. Utah May 11, 2010) (internal quotation marks and citations omitted).