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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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DR. MILOS JIRICKO,

Plaintiff,

v.

FRANKENBURG JENSEN LAW FIRM;  
CAROLYN STEVENS JENSEN, lawyer,  
JENIFER M. BRENNAN, lawyer, KEITH  
KELLY, State Judge in his official and  
personal capacity, HEATHER  
BRERETON, Judge in her official and  
personal capacity,

Defendants.

**ORDER ADOPTING FEBRUARY 23,  
2017, REPORT AND  
RECOMMENDATION**

Case No. 2:16-cv-132-DB

District Judge Dee Benson

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Before the Court is the Report and Recommendation issued by United States Magistrate Judge Evelyn J. Furse on February 23, 2017, recommending that the district court dismiss without prejudice Plaintiff's §1983, abuse of process, civil conspiracy, and intentional infliction of emotional distress claims against Frankenburg Jensen, PLLC, Carolyn Stevens Jensen, and Jennifer M. Brennan (collectively, the "Frankburg Defendants") for failure to state a claim upon which the district court can grant relief, and denying the Frankenburg Defendants' motion for judgment on the pleadings with respect to Plaintiff's fraud upon the court claim. (Dkt. No. 74.)

The parties were notified of their right to file objections to the Report and Recommendation within 14 days of service pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 72. On March 10, 2017, Plaintiff filed an Objection to the Order, primarily asserting that the state court action from which his allegations arise was not a valid judicial proceeding for which the judicial proceedings privilege would apply.

De novo review, including a review of the record that was before the magistrate judge and the reasoning set forth in the Report and Recommendation, has been completed. The court agrees with the reasoning and assessment of the magistrate judge. Plaintiff's Objection does not alter that assessment, as Plaintiff has failed to plead facts that would plausibly support his claim that the judicial proceedings privilege does not apply to the state court proceedings at issue here. The February 23, 2017, Report and Recommendation of Magistrate Judge Furse is hereby ADOPTED and Plaintiff's §1983, abuse of process, civil conspiracy, and intentional infliction of emotional distress claims against the Frankenburg Defendants are hereby DISMISSED without prejudice.

DATED this 24<sup>th</sup> day of March, 2017.

BY THE COURT:

A handwritten signature in black ink that reads "Dee Benson". The signature is written in a cursive style with a long horizontal flourish at the end.

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Dee Benson  
United States District Judge