IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Marcia S. Krieger

Civil Action No. 13-cv-00143-MSK-BNB

ANIMAL CARE SYSTEMS, INC.,

Plaintiff,

v.

HYDROPAC/LAB PRODUCTS, INC.,

Defendant/Third-Party Plaintiff,

v.

MICHAEL O'CONNOR,

Third-Party Defendant.

---
and

Civil Action No. 13-cv-00415-MSK-BNB

HYDROPAC/LAB PRODUCTS, INC.,

Plaintiff,

v.

ANIMAL CARE SYSTEMS, INC.,

Defendant.

OPINION AND ORDER ADOPTING RECOMMENDATION AND GRANTING IN PART MOTIONS TO DISMISS

THIS MATTER comes before the Court pursuant to the Magistrate Judge's February 26, 2015 Recommendation **(# 127)** that Animal Care's Motion to Dismiss **(# 83)** be granted in

part and denied in part, that Hydropac's Motion for Partial Dismissal or for Summary Judgment **(# 95)** be denied, that Mr. O'Connor's Motion to Dismiss **(# 101)** be granted in part and denied in part.

More than 14 days have passed since service of the Recommendation on the parties, and no party has filed Objections pursuant to Fed. R. Civ. P. 72(b). In such circumstances, this Court reviews the Recommendation under whatever standard of review it deems appropriate. *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991). Notwithstanding the absence of objections, this Court has reviewed the Recommendation under the otherwise applicable *de novo* standard of Rule 72(b).

Upon such *de novo* review, the Court agrees with the Magistrate Judge's conclusions and finds that it cannot materially improve upon the Magistrate Judge's thorough and well-stated analysis. Accordingly, the Court **ADOPTS** the Recommendation **(# 127)** in its entirety. Animal Care's Motion to Dismiss **(# 83)** is **GRANTED IN PART**, insofar as Hydropac's counterclaims for tortious interference and misappropriation of business value are dismissed, and **DENIED IN PART**, in all other respects. Hudropac's Motion for Partial Dismissal or for Summary Judgment **(# 95)** is **DENIED** in its entirety. Mr. O'Connor's Motion to Dismiss **(# 101)** is **GRANTED IN PART**, insofar as the misappropriation of business value claim against him is dismissed, and **DENIED IN PART** in all other respects. Within 14 days of the date of this Order, Hydropac

may file a Third Amended Complaint that conforms to the instructions given in the Recommendation.

Dated this 26th day of March, 2015.

BY THE COURT:

Marcia S. Krieger
Chief United States District Judge