

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Lewis T. Babcock, Chief Judge

Civil Case No. 04-cv-02042-LTB-OES

NELSON B. PHELPS,

Plaintiff,

v.

QWEST EMPLOYEES BENEFIT COMMITTEE,

Defendant.

ORDER

This case is before me on the recommendation of Magistrate Judge Michael E. Hegarty (Doc 25) issued and served on February 23, 2006. Defendant has failed to file specific written objections to the Magistrate Judge's recommendation and is therefore barred from *de novo* review. Accordingly, it is

ORDERED that the Magistrate Judge's recommendation is accepted and Plaintiff's Motion for Imposition of ERISA Section 502(c)(1)(B) Penalty is GRANTED. A statutory penalty of \$25.00 per day running from February 9, 2004 is imposed against Defendant and in favor of Plaintiff herein.

BY THE COURT:

s/Lewis T. Babcock
Lewis T. Babcock, Chief Judge

DATED: March 14, 2006