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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Best Western International, Inc., an  
Arizona non-profit corporation,  
  
Plaintiff,  
  
vs.  
  
Richland Hotel Corporation GP, LLC,  
a Texas Limited Liability Company;  
Gurmukh Kullar, a Nevada resident,  
  
Defendants.

No. CV-11-1246-PHX-SMM (LOA)

**MEMORANDUM OF DECISION  
AND ORDER**

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Pending before the Court is Plaintiff’s Complaint alleging breach of contract, federal trademark infringement, unfair competition under the Trademark Act of 1946, as amended (the Lanham Act, 15 U.S.C. §§ 1051 et seq.), and related common law and Arizona statutory causes of action. (Doc. 1.) This matter was assigned and litigated before Magistrate Judge Lawrence O. Anderson. (Doc. 6.) On January 18, 2012, Magistrate Judge Anderson filed a Report and Recommendation with this Court. (Doc. 30.) To date, no objections have been filed.

**STANDARD OF REVIEW**

When reviewing a Magistrate Judge’s Report and Recommendation, this Court must “make a de novo determination of those portions of the report . . . to which objection is made,” and “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C); see also Baxter

1 v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991) (citing Britt v. Simi Valley Unified Sch.  
2 Dist., 708 F.2d 452, 454 (9th Cir. 1983)). Failure to object to a Magistrate Judge’s  
3 recommendation relieves the Court of conducting de novo review of the Magistrate Judge’s  
4 factual findings; the Court then may decide the dispositive motion on the applicable law.  
5 Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979) (citing Campbell v. United States  
6 Dist. Court, 501 F.2d 196 (9th Cir. 1974)).

7 By failing to object to a Report and Recommendation, a party waives its right to  
8 challenge the Magistrate Judge’s factual findings, but not necessarily the Magistrate Judge’s  
9 legal conclusions. Baxter, 923 F.2d at 1394; see also Turner v. Duncan, 158 F.3d 449, 455  
10 (9th Cir. 1998) (failure to object to a Magistrate Judge’s legal conclusion “is a factor to be  
11 weighed in considering the propriety of finding waiver of an issue on appeal”); Martinez v.  
12 Ylst, 951 F.2d 1153, 1156 (9th Cir. 1991) (citing McCall v. Andrus, 628 F.2d 1185, 1187  
13 (9th Cir. 1980)).

#### 14 **DISCUSSION**

15 Having reviewed the legal conclusions of the Report and Recommendation of the  
16 Magistrate Judge, and no objections having been made by Defendants thereto, the Court  
17 hereby incorporates and adopts the Magistrate Judge’s Report and Recommendation.

#### 18 **CONCLUSION**

19 For the reasons set forth,

20 **IT IS HEREBY ORDERED** approving, incorporating, and adopting the Report and  
21 Recommendation of Magistrate Judge Lawrence O. Anderson. (Doc. 30.)

22 **IT IS FURTHER ORDERED** that Best Western’s Motion for Default Judgment  
23 against Defendant Richland Hotel Corporation GP, LLC, and Defendant Gurmukh Kullar is  
24 **GRANTED**. (Doc. 17.)

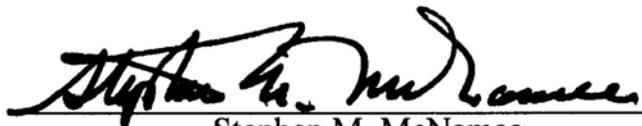
25 **IT IS FURTHER ORDERED** that the Clerk shall enter Judgment in favor of Best  
26 Western and against Defendant Richland Hotel Corporation GP, LLC, and Defendant  
27 Gurmukh Kullar in the amount of \$145,350.20 (\$134,984.05 + \$10,366.15 for attorney’s  
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1 fees, costs and non-taxable expenses). The Judgment shall earn interest at the agreed upon  
2 rate of 1.5% per month (18% per annum) from the date of entry of judgment until paid in full.

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4 **IT IS FURTHER ORDERED** that this Judgment in the amount of \$145,350.20 is  
5 binding on Defendant Richland Hotel Corporation GP, LLC, and Defendant Gurmukh Kullar  
6 jointly and severally.

7 **IT IS FURTHER ORDERED DISMISSING WITH PREJUDICE** the remaining  
8 claims alleged in the Complaint, Counts 4-10. All remaining pending motions are **denied**  
9 **as moot.**

10 DATED this 27th day of February, 2012.

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14 Stephen M. McNamee  
15 United States District Judge  
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