

1 NOT FOR PUBLICATION
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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 CrossFit Incorporated,

10 Plaintiff,

11 v.

12 Jeff Martin, *et al.*,

13 Defendants.

14 Jeff Martin, Mikki Lee Martin, Brand X
15 Martial Arts, and CrossFit Brand X, Inc.

16 Counterclaimants,

17 v.

18 CrossFit, Inc. and Greg Glassman,

19 Counterdefendants.

No. CV-14-02277-PHX-JJT

ORDER

20 At issue is the Report and Recommendation (“R&R”) entered by United States
21 Magistrate Judge David K. Duncan in this matter March 23, 2017, recommending that
22 “Defendants’/Counterclaimants’ damages allegations be limited at trial to those amounts
23 they represented up to and including December 22, 2016.” (Doc. 193 at 2.) The parties
24 had fourteen days after the R&R issued to file any objection to it. The time for such
25 objections has run and no party filed an objection. The Court is thus empowered to accept
26 the R&R without further review, *see United States v. Reyna-Tapia*, 328 F.3d 1114, 1121
27 (9th Cir. 2003), and to consider waived any party’s right to appellate review of the
28 findings of fact in this Order. See Rule 72, Federal Rules of Civil Procedure. The Court

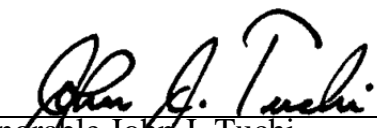
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nonetheless reviewed the R&R on its merits. Upon that review, the Court concludes the underlying reasoning of Judge Duncan both sound and persuasive, and thus shall adopt the R&R in whole.

IT IS ORDERED adopting the R&R (Doc. 193) in whole.

IT IS FURTHER ORDERED limiting Defendants'/Counterclaimants' damages allegations at trial to those amounts they represented up to and including December 22, 2016.

Dated this 15th day of May, 2017.



Honorable John J. Tuchi
United States District Judge