

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

Bank of the West,  
Plaintiff,  
v.  
Cruisers Yachts 540 Coupe 2013, Hull  
Identification No. CRSCN102D213, et al.,  
Defendants.

**NO. CV-20-02111-PHX-ESW  
MEMORANDUM OF DECISION  
AND ORDER**

This matter was referred to Magistrate Judge Eileen S. Willett for a Report and Recommendation. (Doc. 4.) On June 9, 2021, the Magistrate Judge filed a Report and Recommendation with this Court. (Doc. 14.) To date, no objections have been filed.

**STANDARD OF REVIEW**

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1)(C); see Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991). Parties have fourteen days from the service of a copy of the Magistrate’s recommendation within which to file specific written objections to the Court. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. Failure to object to a Magistrate Judge’s recommendation relieves the Court of conducting *de novo* review of the Magistrate Judge’s factual findings and waives all objections to those findings on appeal. See Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998). A failure to object to a Magistrate Judge’s conclusion “is a factor to be weighed in considering the propriety of finding waiver of an issue on appeal.” Id.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DISCUSSION**

Having reviewed the Report and Recommendation of the Magistrate Judge, and no Objections having been made by any party thereto, the Court hereby incorporates and adopts the Magistrate Judge’s Report and Recommendation.

**CONCLUSION**

Accordingly, for the reasons set forth,

**IT IS HEREBY ORDERED** that the Court adopts the Report and Recommendation of the Magistrate Judge. (Doc. 14.)

**IT IS FURTHER ORDERED** granting Plaintiff Bank of the West’s Motion for Default Judgment. (Doc. 13.)


**IT IS FURTHER ORDERED** that Judgment be entered in favor of Plaintiff Bank of the West and against Defendant Dean Michael Whitefield as follows:

- 1. The principal amount of \$657,781.15 through October 8, 2020;
- 2. Pre-judgment interest on the foregoing amount at the rate of 4.99% per annum from October 8, 2020 through the date the Judgment is entered;
- 3. Post-judgment interest on the foregoing amounts at the rate of 4.99% per annum from the date of the Judgment until paid in full.

**IT IS FURTHER ORDERED** that Plaintiff be awarded its reasonable attorneys’ fees, costs, and expenses related to enforcement of the Retail Installment Contract and Security Agreement.

**IT IS FURTHER ORDERED** that Plaintiff file a Motion for Attorneys’ Fees and Non-Taxable Costs and a Bill of Costs no later than fourteen (14) days from entry of the Judgment.

Dated this 28th day of June, 2021.

  
 Honorable Stephen M. McNamee  
 Senior United States District Judge