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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Albert Walter Kouba,  
Plaintiff,  
vs.  
Renzenberger, Inc., et al.,  
Defendants.

No. CV 10-159-TUC-FRZ (LAB)  
**ORDER**

Pending before the Court is a Report and Recommendation issued by Magistrate Judge Bowman that recommends denying Renzenberger’s second motion for summary judgment as moot. A review of the record reflects that the parties have not filed any objections to the Report and Recommendation and the time to file objections has expired.

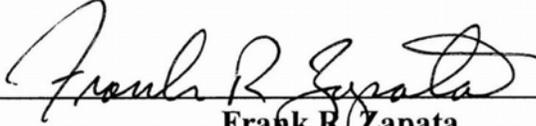
The Court has reviewed the record and concludes that Magistrate Judge Bowman’s recommendations are not clearly erroneous. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); *Conley v. Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998).

Accordingly, IT IS HEREBY ORDERED as follows:

(1) Magistrate Judge Bowman’s Report and Recommendation (Doc. 216) is accepted and adopted and the second motion for summary judgment (Doc. 181) is denied as moot.

**(2) This case shall remain on referral to Magistrate Judge Bowman and the parties shall file their revised motions in limine and revised proposed joint pretrial order within 30 days of the filing date of this Order as previously ordered by Magistrate Judge Bowman. See Doc. 218.**

DATED this 6<sup>th</sup> day of February, 2013.

  
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Frank R. Zapata  
Senior United States District Judge