

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

Albert Walter Kouba, et al.,)	No. CV 10-159-TUC-FRZ (GEE)
Plaintiffs,)	ORDER
vs.)	
Renzenberger, Inc. , et al.,)	
Defendants.)	

Pending before the Court is a Report and Recommendation issued by United States Magistrate Judge Glenda E. Edmonds that recommends denying Peterson Manufacturing Company’s (“Peterson”) motion to dismiss (Doc. 37) 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. As such, the Court will not consider any objections or new evidence.

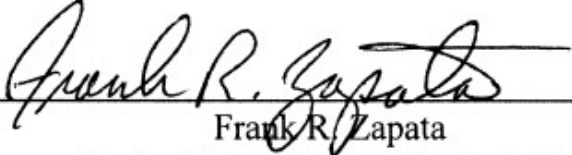
The Court has reviewed the record and concludes that Magistrate Judge Edmonds’ recommendations are not clearly erroneous. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); *Conley v. Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998).

Accordingly, IT IS HEREBY ORDERED as follows:
(1) Magistrate Judge Edmonds’ Report and Recommendation (Doc. #44) is accepted and adopted.

1 (2) Peterson's motion to dismiss (Doc. 37) is denied as moot.

2 (3) **As pretrial proceedings remain in this case, the referral to Magistrate Judge**
3 **Edmonds remains in effect; the parties shall continue to list the caption as: CV 10-159-**
4 **TUC-FRZ (GEE).**

5
6 DATED this 11th day of August, 2010.

7
8 
9 _____
10 Frank R. Zapata
11 Senior United States District Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28