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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Bobby Len Davis and Becky Davis,)
)
Plaintiffs,)
)
vs.)
)
Air & Liquid Systems Corporation, et al.,)
)
Defendants.)

No. CV 14-2288-TUC-CKJ (LCK)

ORDER

On November 9, 2017, Magistrate Judge Lynette C. Kimmins issued a Report and Recommendation (Doc. 454) in which she recommended Defendant Crane Co.’s Motion for Summary Judgment (Doc. 415) and Defendant Warren Pumps, LLC’s Motion for Summary Judgment (Doc. 421) be granted. The Report and Recommendation notified the parties they had 14 days from the date of the Report and Recommendation to file any objections. No objections have been filed.

The standard of review that is applied to a magistrate judge’s report and recommendation is dependent upon whether a party files objections – the Court need not review portions of a report to which a party does not object. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). However, the Court must “determine de novo any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed.R.Civ.P. 72(b)(3); *see also* 28 U.S.C. § 636(b)(1).

1 Nonetheless, “while the statute does not require the judge to review an issue de novo if no
2 objections are filed, it does not preclude further review by the district judge, sua sponte or
3 at the request of a party, under a de novo or any other standard.” *Thomas*, 474 U.S. at 154.

4 The Court has reviewed and considered the pending motions (Docs. 415, 421), the
5 responses (Docs. 431, 433), the replies (Docs. 445, 446), the statements of facts (Docs. 416,
6 422, 432, 434), and the Report and Recommendation (Doc. 454).

7 Accordingly, after an independent review, IT IS ORDERED:

- 8 1. The November 9, 2017 Report and Recommendation (Doc. 454) is ADOPTED.
- 9 2. Defendant Crane Co.’s Motion for Summary Judgment (Doc. 415) is
10 GRANTED.
- 11 3. Summary Judgment is awarded in favor of Defendant Crane Co. and against
12 Plaintiffs Bobby Len Davis and Becky Davis.
- 13 4. Defendant Warren Pumps, LLC’s Motion for Summary Judgment (Doc. 421)
14 is GRANTED.
- 15 5. Summary Judgment is awarded in favor of Warren Pumps, LLC, and against
16 Plaintiffs Bobby Len Davis and Becky Davis.
- 17 6. The Clerk of Court shall enter judgment and shall then close its file in this
18 matter.

19 DATED this 10th day of January, 2018.

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22 Cindy K. Jorgenson
23 United States District Judge
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