

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 10-cv-00144-WJM-MJW

MICHAEL D. RUDNICK and ANN K. SMITH RUDNICK,

Plaintiffs,

v.

BANK OF AMERICA, NATIONAL ASSOCIATION,
as SUCCESSOR BY MERGER TO LASALLE BANK, NATIONAL ASSOCIATION,
TRUSTEE UNDER THE POOLIGN AND SERVICE AGREEMENT DATED AS OF
FEBRUARY 1, 2007, GSAMP TRUST 2007-NC-1;
LITTON LOAN SERVICING, LP;
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.;
PUBLIC TRUSTEE OF DENVER COUNTY; and
All Unknown Persons Who Claim Any Interest in the Subject Matter of this Action,

Defendants.

**ORDER AFFIRMING MAY 25, 2011 RECOMMENDATION
OF U.S. MAGISTRATE JUDGE**

This matter is before the Court on the May 25, 2011 Recommendation by United States Magistrate Judge Michael J. Watanabe that (1) Plaintiffs' Motion for Partial Judgment on the Pleadings, ECF No. 12; (2) Plaintiffs' Motion for Summary Judgment, ECF No. 52; and (3) Motion for Summary Judgment by Defendants Litton Loan Servicing, L.P.; Bank of America, N.A. as Successor by Merger to Agreement Dated as of February 1, 2007, GSAMP Trust 2007-NC-1; New Century Mortgage Corporation, and Its Successors and Assigns; and Mortgage Electronic Registration Systems, Inc., ECF No. 59, be DENIED. (ECF No. 103.) The Recommendation is incorporated herein by reference. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b).

The Recommendation advised the parties that specific written objections were due within fourteen (14) days after being served with a copy of the Recommendation. (ECF No. 103 at 7.) Despite this advisement, no objections to the Magistrate Judge's Recommendation were filed by either party. "In the absence of timely objection, the district court may review a magistrate . . . [judge's] report under any standard it deems appropriate." *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (citing *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (stating that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings").

The Court concludes that the Magistrate Judge's thorough and comprehensive analyses and recommendations are correct and that "there is no clear error on the face of the record." See Fed. R. Civ. P. 72(b) advisory committee's note. Therefore, the Court hereby ADOPTS the Report of the United States Magistrate Judge as the findings and conclusions of this Court.

Accordingly, it is hereby ORDERED that the Recommendation of the United States Magistrate Judge, ECF No. 103, filed May 25, 2011, is ACCEPTED. For the reasons cited therein,

IT IS HEREBY ORDERED that:

- 1) Plaintiffs' Motion for Partial Judgment on the Pleadings, ECF No. 12, is DENIED;
- 2) Plaintiffs' Motion for Summary Judgment, ECF No. 52, is DENIED; and
- 3) Defendants' Motion for Summary Judgment, ECF No. 59, is DENIED.

IT IS FURTHER ORDERED that:

- 4) The Final Trial Preparation Conference remains set on August 18, 2011, at 9:30 a.m. in Courtroom A601; and
- 5) The 3-Day Trial to the Court remains set to begin on August 31, 2011 in Courtroom A601; the Trial will begin at **8:00 a.m.** on that day.

Dated this 17th day of June, 2011.

BY THE COURT:



William J. Martinez
United States District Judge