

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02216-WJM-KLM

STROH RANCH DEVELOPMENT, LLC, a Colorado limited liability company,

Plaintiff,

v.

CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 2,
CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 3,
CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 4,
CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 5,
CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 6,
CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 7,
CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 8,
CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 9,
CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 10,
CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 11,
THE PIVOTAL GROUP, INC.,
PIVOTAL PARKER INVESTMENTS, LLC, a Delaware limited liability company a/k/a Parker
Investments 2009, LLC,
PIVOTAL COLORADO II, LLC,
NORTH PARKER INVESTMENTS, LLC,
KURT WOLTER,
KIMBERLY JENSEN,
GREG MCILVAIN,
MARK EAMES,
GREG EPP,
BILLY HARRIS, and
JOHN DOES 1 through 8,

Defendants.

**ORDER ADOPTING FEBRUARY 2, 2012 RECOMMENDATION
AND DENYING MOTION FOR LEAVE TO FILE AMENDED ANSWER**

This matter is before the Court on the February 2, 2012 Recommendation of
United States Magistrate Judge Kristen L. Mix (the "Recommendation") (ECF No. 132)

that the Motion for Leave to File Amended Answer filed by Cherry Creek South Metropolitan Districts Nos. 2-11 (the “Metropolitan District Defendants”) (ECF No. 103) be denied. 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 days after being served with a copy of the Recommendation. (ECF No. 39, at 9-10.) Despite this advisement, no objections to the Magistrate Judge’s Recommendation have to date been filed by either party (over a five-week period). “In the absence of timely objection, the district court may review a magistrate’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 analysis was thorough and sound, and that “there is no clear error on the face of the record.” See Fed. R. Civ. P. 72(b) advisory committee’s note.

In accordance with the foregoing, the Court ORDERS as follows:

- (1) The Magistrate Judge’s Recommendation (ECF No. 132) is ADOPTED in its entirety; and
- (2) The Metropolitan District Defendants’ Motion for Leave to File Amended Answer (ECF No. 103) is DENIED.

Dated this 9th day of March, 2012.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "William J. Martínez", written over a horizontal line.

William J. Martínez
United States District Judge