

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

Civil Action No. 13-cv-1647-WJM-MEH

HOLLY MACINTYRE,

Plaintiff,

v.

JP MORGAN CHASE, NATIONAL ASSOCIATION,,  
ARONOWITZ & MECKELBERG, LLP, and  
MARGARET T. CHAPMAN, Public Trustee of Jefferson County in her Official capacity,

Defendant.

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**ORDER ADOPTING DECEMBER 11, 2013 RECOMMENDATION OF MAGISTRATE  
JUDGE AND GRANTING IN PART DEFENDANT CHAPMAN'S MOTION TO DISMISS**

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This matter is before the Court on the December 11, 2013 Recommendation of United States Magistrate Judge Michael E. Hegarty (the "Recommendation") (ECF No. 45) that Defendant Margaret T. Chapman's Motion to Dismiss (ECF No. 30) be granted in part. 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. 45, at 1 n.1.) Despite this advisement, no objections to the Magistrate Judge's Recommendation have to date been received.

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 ("When no timely objection is filed, the court need only

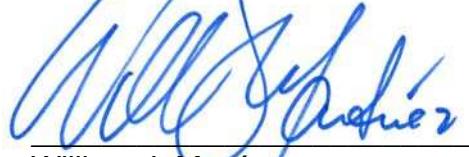
satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); *see also Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) ("In the absence of timely objection, the district court may review a magistrate's report under any standard it deems appropriate.").

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

- (1) The Magistrate Judge's Recommendation (ECF No. 45) is ADOPTED in its entirety;
- (2) Defendant Margaret T. Chapman's Motion to Dismiss for Insufficiency of Process (ECF No. 30) is GRANTED IN PART. Plaintiff's email service of the Amended Complaint to the Trustee Chapman was improper but curable; and
- (3) Plaintiff is DIRECTED to re-serve Defendant Margaret T. Chapman a copy of the Amended Complaint in accordance with Fed. R. Civ. P. 4.

Dated this 14<sup>th</sup> day of January, 2014.

BY THE COURT:



William J. Martinez  
United States District Judge