

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 13-cv-02730-CMA-CBS

MICHAEL WALTERS and
LISA WALTERS, a married couple,

Plaintiffs,

v.

TOWNSEND FARMS, INC., an Oregon corporation doing business in Colorado;
PURELY POMEGRANATE, INC., a California corporation;
FALLON TRADING CO., INC., a Pennsylvania corporation doing business in Colorado;
UNITED JUICE CORP., a New Jersey corporation doing business in Colorado; and
DOES 5-100, inclusive,

Defendants.

**ORDER AFFIRMING JANUARY 20, 2015 RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on the January 20, 2015 Recommendation by United States Magistrate Judge Craig B. Shaffer that Defendant Purely Pomegranate, Inc.'s Motion for Fees and Costs (Doc. # 72) be denied. (Doc. # 77.) 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. (Doc. # 77.) Despite this advisement, no objections to Magistrate Judge Shaffer'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.”)).

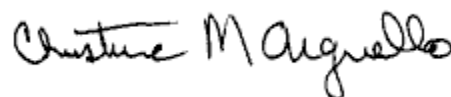
The Court has reviewed all the relevant pleadings concerning Defendant Purely Pomegranate, Inc.’s Motion for Fees and Costs and the Recommendation. Based on this review, the Court concludes that Magistrate Judge Shaffer’s thorough and comprehensive analyses and recommendations are correct and that “there is no clear error on the face of the record.” Fed. R. Civ. P. 72, advisory committee’s note. Therefore, the Court ADOPTS the Recommendation of Magistrate Judge Shaffer as the findings and conclusions of this Court.

Accordingly, it is ORDERED that the Recommendation of the United States Magistrate Judge (Doc. # 77) is AFFIRMED and ADOPTED. It is

FURTHER ORDERED that Defendant Purely Pomegranate, Inc.’s Motion for Fees and Costs (Doc. # 72) is DENIED WITH PREJUDICE to the extent it seeks recovery under C.R.S. §§ 13-17-201 and 13-16-113(2).

DATED: February 9 , 2015

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge