

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

Civil Action No. 13-cv-02823-CMA-MJW

UNITED STATES OF AMERICA, for the use and benefit of  
HEGEM-LUNDQUIST PAINT COMPANY, a Colorado corporation,

Plaintiff,

v.

CENTERRE GOVERNMENT CONTRACTING GROUP, LLC,  
a Colorado limited liability company,  
BERKLEY REGIONAL INSURANCE COMPANY, a Delaware corporation,  
KIEWIT BUILDING GROUP, INC., a Delaware corporation,  
TURNER CONSTRUCTION COMPANY, a New York corporation,  
KIEWIT-TURNER A JOINT VENTURE, a joint venture doing business in Colorado,  
TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA,  
a Connecticut corporation,  
TRAVELERS INDEMNITY COMPANY, a Connecticut corporation,  
FEDERAL INSURANCE COMPANY, an Indiana corporation,  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a Maryland corporation,  
ZURICH AMERICAN INSURANCE COMPANY, a New York corporation,  
LIBERTY MUTUAL INSURANCE COMPANY, a Massachusetts corporation; and  
THE CONTINENTAL INSURANCE COMPANY, a Pennsylvania corporation,

Defendants.

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**ORDER AFFIRMING APRIL 7, 2014 RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

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This matter is before the Court on the April 23, 2014 Recommendation by United States Magistrate Judge Michael J. Watanabe (Doc. # 85) that the following motions be denied:

1. Defendant Berkley Regional Insurance Company's Motion to Dismiss Plaintiff's Second Claim for Relief or, in the alternative Motion to Stay the Proceedings (Doc. # 28);

2. Defendant Centerre Government Contracting Group, LLC's Motion To Dismiss Plaintiff's Second Claim For Relief Or, In The Alternative, Motion To Stay The Proceedings (Doc. # 41);
3. Defendant Kiewit-Turner's Motion To Dismiss First Claim For Relief Against Kiewit-Turner's Sureties, Or, In The Alternative, Motion To Stay (Doc. # 50);
4. Defendant Kiewit-Turner's Motion To Dismiss First And Fourth Claims For Relief Against Kiewit-Turner, Or, In The Alternative, Motion To Stay (Doc. # 52);
5. Defendant Kiewit Building Group's Motion To Dismiss First And Fourth Claims For Relief Against Kiewit, Or, In The Alternative Motion To Stay (Doc. # 54);
6. Defendant Turner Construction Company's Motion To Dismiss First And Fourth Claims For Relief Against Turner, Or, In The Alternative, Motion To Stay (Doc. # 56).

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. # 85 at 16-17.) Despite this advisement, no objections to Magistrate Judge Watanabe'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 Defendants' motions and the Recommendation. Based on this review, the Court concludes

that Magistrate Judge Watanabe'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 Watanabe as the findings and conclusions of this Court.

Accordingly, it is ORDERED that the Recommendation of the United States Magistrate Judge (Doc. # 85) is AFFIRMED and ADOPTED.

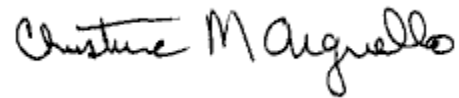
It is FURTHER ORDERED that, pursuant to the recommendation, the following motions are DENIED:

1. Defendant Berkley Regional Insurance Company's Motion to Dismiss Plaintiff's Second Claim for Relief or, in the alternative Motion to Stay the Proceedings (Doc. # 28);
2. Defendant Centerre Government Contracting Group, LLC's Motion To Dismiss Plaintiff's Second Claim For Relief Or, In The Alternative, Motion To Stay The Proceedings (Doc. # 41);
3. Defendant Kiewit-Turner's Motion To Dismiss First Claim For Relief Against Kiewit-Turner's Sureties, Or, In The Alternative, Motion To Stay (Doc. # 50);
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6. Defendant Turner Construction Company's Motion To Dismiss First And Fourth Claims For Relief Against Turner, Or, In The Alternative, Motion To Stay (Doc. # 56).

It is FURTHER ORDERED that the Defendant Berkley Regional Insurance Company's Unopposed Motion for Extension of Time to File Response/Reply (Doc. # 75) is GRANTED.

DATED: May 13, 2014

BY THE COURT:

A handwritten signature in black ink that reads "Christine M. Arguello". The signature is written in a cursive style with a large, looped initial "C".

CHRISTINE M. ARGUELLO  
United States District Judge