

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

Civil Action No. 14-cv-00795-CMA-KMT

TRELLANY DAVISS, and  
SHARRON KEY,

Plaintiffs,

v.

SCHOOL DISTRICT NUMBER 1, CITY AND COUNTY OF DENVER,  
a/k/a DENVER PUBLIC SCHOOLS,

Defendant.

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**ORDER ADOPTING AUGUST 24, 2015 RECOMMENDATION OF UNITED STATES  
MAGISTRATE JUDGE**

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This matter is before the Court on the August 24, 2015 Recommendation by United States Magistrate Judge Kathleen M. Tafoya that Defendant School District Number 1's "Motion to Dismiss Amended Complaint" (Doc. # 23) be granted in part and denied in part. (Doc. # 44.) 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. # 44 at 14-15.) Despite this advisement, no objections to Magistrate Judge Tafoya'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’s Motions to Dismiss and the Recommendation. Based on this review, the Court concludes that Magistrate Judge Tafoya’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 Tafoya as the findings and conclusions of this Court, and, pursuant to the Recommendation, it is ORDERED that Defendant’s “Motion to Dismiss Amended Complaint” (Doc. # 23) is GRANTED in part and DENIED in part. Specifically, it is GRANTED with respect to the following claims, which are hereby dismissed in this matter:

- a) Plaintiff Daviss’ and Plaintiff Key’s First Claim for Relief for age-based hostile work environment in violation of the Age Discrimination in Employment Act (ADEA);
- b) Plaintiff Daviss’ Second Claim for Relief for race-based hostile work environment in violation of Title VII of the Civil Rights Act of 1964;
- c) Plaintiff Daviss’ and Plaintiff Key’s Third Claim for Relief for retaliation in violation of the ADEA; and

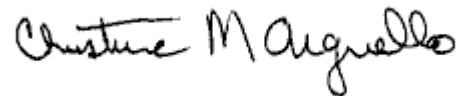
d) Plaintiff Daviss' and Plaintiff Key's Fourth Claim for Relief for retaliation in violation of Title VII of the Civil Rights Act of 1964.

It is FURTHER ORDERED that Defendant's "Motion to Dismiss Amended Complaint" (Doc. # 23) is DENIED with respect to the following claims, which remain in this matter:

- a) Plaintiff Daviss' and Plaintiff Key's First Claim for Relief for age discrimination in violation of the ADEA; and
- b) Plaintiff Daviss' Second Claim for Relief for race-based discrimination in violation of Title VII of the Civil Rights Act of 1964.

DATED: September 11, 2015

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge