

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 14-cv-02396-RM-MEH

MEDESET WORKALEMAHU,

Plaintiff,

v.

HERITAGE CLUB,

Defendant.

ORDER

This matter is before the Court on the Recommendation of Magistrate Judge Michael E. Hegarty (“Recommendation”) (ECF No. 34) to grant Defendant Brookdale Senior Living Communities, Inc.’s¹ (“Brookdale”) motion to compel arbitration (ECF No. 34). Also, Magistrate Judge Hegarty recommended the Court stay or close administratively the matter. (ECF No. 34 at 4.) 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. 34 at 1 n.1.) Despite this advisement, neither party has to date filed an objection to the Recommendation. (*See generally* Dkt.)

¹ Defendant Brookdale contends, in its motion to compel arbitration, that Plaintiff incorrectly identified it as Heritage Club. (ECF No. 14 at 1.) Plaintiff does not dispute this assertion. (*See generally* Dkt.) The Summons returned as executed indicates that Joshua Smith, Executive Director, was served at 8101 East Mississippi Avenue, Denver, CO 80210. (ECF No. 13.) Defendant does not contend that service of process was fatally defective.


The Court concludes that Judge Hegarty's analysis was thorough and sound, and that there is no clear error on the record's face. *See* Fed. R. Civ. P. 72 Advisory Committee's Note (holding that "[w]hen 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."). The Court, therefore, adopts the Recommendation.

In accordance with the foregoing, the Court:

- (1) ADOPTS the Magistrate Judge's Recommendation (ECF No. 34) in its entirety;
- (2) GRANTS, in part, Defendant's Motion to Compel Arbitration (ECF No. 14), to wit, the Court GRANTS the request to compel arbitration of Plaintiff's underlying claims and the Court DENIES the request to stay the matter;
- (3) ORDERS the Clerk of the Court, pursuant to Local Rule 41.2, to ADMINISTRATIVELY CLOSE the matter subject to reopening for good cause; and
- (4) ORDERS the parties to file a joint-status report within ten days after the issuance of an arbitration decision.

DATED this 21st day of January, 2015.

BY THE COURT:


RAYMOND P. MOORE
United States District Judge