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

Civil Action No. 15-cv-02233-RM-MJW

TRANS-WEST, INC., a Colorado corporation d/b/a Transwest Truck Trailer RV,

Plaintiff,

v.

SOUTHWEST LUXURY COACH SALES, LLC, an Arizona limited liability company; and SCOTT BUCHANAN, an individual,

Defendants.

ORDER

This matter is before the Court on the February 29, 2016 "Report and Recommendation on Motion to Stay or, in the Alternative, to Dismiss in Response to Plaintiff's Amended Complaint and Jury Demand (Docket No. 42)" (the "Recommendation") (Docket No. 50) of United States Magistrate Judge Michael J. Watanabe addressing Defendants' "Motion to Stay or, in the Alternative, to Dismiss in Response to Plaintiff's Amended Complaint and Jury Demand" (the "Motion") (ECF No. 42). The Motion requests two forms of relief: (1) a stay of this action; and (2) if a stay is not granted, a dismissal of Counts Two and Three of Plaintiff's Amended Complaint and Jury Demand. The Recommendation denied the request for a stay of this action and recommended denial of the request for dismissal of Counts Two and Three. 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. 50 at page 9.)

Despite this advisement, no objections to the Recommendation have to date been filed by any party and the time to do so has expired. (*See generally* Dkt.)

The Court concludes that Magistrate Judge Watanabe'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."). The Recommendation is, therefore, adopted as an order of this Court.

In accordance with the foregoing, the Court:

(1) **ADOPTS** the "Report and Recommendation on Motion to Stay or, in the Alternative, to Dismiss in Response to Plaintiff's Amended Complaint and Jury Demand (Docket No. 42)" (Docket No. 50) as to the recommended denial; and

(2) **DENIES** Defendants' request to dismiss Counts Two and Three of the Amended Complaint and Jury Demand made in Defendants' "Motion to Stay or, in the Alternative, to Dismiss in Response to Plaintiff's Amended Complaint and Jury Demand" (ECF No. 42), the only request outstanding in the motion.

DATED this 25th day of March, 2016.

BY THE COURT:

RAYMOND P. MOORE
United States District Judge