

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

EDWARD BRASLEY, *et. al.*,

Plaintiffs,

v.

FEARLESS FARRIS SERVICE
STATIONS, INC., *et. al.*,

Defendants.

Case No. 1:08-cv-00173-BLW

ORDER

The Court has received the Special Master's Report and Recommendation. (Dkt. 245). The Special Master was appointed in this case pursuant to Federal Rule of Civil Procedure 53. (Dkt. 222). In accordance with that rule, it seems implicit that the Court would act upon the Special Master's Report & Recommendation upon receiving any objections or motions from the parties pursuant to Rule 53(f)(2). However, to be clear, the Court gives the parties notice, pursuant to Rule 53(f)(1), that it intends to act on the Special Master's Report and Recommendation.

Accordingly, the parties may file any objections or motions to the Report and Recommendation on or before September 26, 2013, which is 21 days after it was served on them. Fed. R. Civ. P. 53(f)(2). The parties are not required to file anything, but if they do, they must also indicate whether they seek oral argument or request the Court receive additional evidence. Upon reviewing the parties' submissions the Court will determine whether to conduct oral argument or receive evidence in making its determination on

whether to adopt or reject, in whole or in part, the Special Master's Report and Recommendation. *See Disney Enterprises, Inc. v. Stephen Slesinger, Inc.*, 499 Fed.Appx. 707, 708 (9th Cir. 2012) (Holding that Rule 53(f)(1) does not require an oral or evidentiary hearing; it only requires that the parties be heard, which may be in written form).

IT IS SO ORDERED.



DATED: September 17, 2013

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill
Chief Judge
United States District Court