

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JERRY DAVID HILL, a legally incapacitated
person and JOHN YUN, legal guardian of
JERRY DAVID HILL,

Plaintiffs,

v.

Case No. 14-12840
Honorable Denise Page Hood

TRAVELERS CASUALTY AND
SURETY COMPANY, a foreign corporation,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION GRANTING MOTION TO
INTERVENE [#9]**

This matter is before the Court on Magistrate Judge David R. Grand's Report and Recommendation on Cardinal Referral Network, LLC; TBI Villas of Troy, LLC; and TBI Management, LLC's ("Intervening Parties") Motion to Intervene [**Docket No. 9, filed January 22, 2015**]. Neither Plaintiff nor Defendant filed an objection to the Magistrate Judge's Report and Recommendation. For the reasons stated below, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation in its entirety. The Intervening Parties' Motion to Intervene [**Docket No. 6, filed December 5, 2014**] is **GRANTED**.

The Court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* Objections to the Report and Recommendation must be timely and specific. *See* Fed. R. Civ. P. 72(b)(2); E.D. Mich. L.R. 72.1(d); *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981) (“The filing of objections provides the district court with the opportunity to consider the specific contentions of the parties and to correct any errors immediately.”)

“[O]nly those specific objections to the magistrate’s report made to the district court will be preserved for appellate review; making some objections but failing to raise others will not preserve all the objections a party may have.” *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). “An ‘objection’ that does nothing more than state a disagreement with a magistrate’s suggested resolution, or simply summarizes what has been presented before, is” insufficient. *Aldrich v. Bock*, 327 F. Supp. 2d 743, 747 (E.D. Mich. 2004). A party’s failure to file any objections waives his or her right to further appeal, *see Smith*, 829 F.2d at 1373, and relieves the Court from its duty to review the matter independently. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. The Intervening Parties seek to intervene since the medical care and services they provided to Plaintiff Jerry Hill are valued at more than \$400,000 and the Intervening Parties assert that Defendant Travelers Casualty and Surety Company is required to compensate them, even though it has refused to pay thus far. Plaintiff's failure to recover will result in the Intervening Parties also failing to recover the cost of the services provided.

The Court notes that the Magistrate Judge also notified the parties of their right to "seek review of this Report and Recommendation" and reminded them of the timeline in which to do so. As previously stated, neither Plaintiff nor Defendants have filed any objections to the Magistrate Judge's January 22, 2015, Report and Recommendation. The Court accepts the Magistrate Judge's Report and Recommendation as this Court's findings of fact and conclusions of law.

Accordingly, **IT IS ORDERED** that the Report and Recommendation of Magistrate Judge David R. Grand [**Docket No. 9, filed January 22, 2015**] is **ACCEPTED** and **ADOPTED** as this Court's findings and conclusions of law.

IT IS FURTHER ORDERED that the Intervening Parties' Motion to Intervene [**Docket No. 6, filed December 5, 2014**] is **GRANTED**.

IT IS FURTHER ORDERED that the matter is referred back to Magistrate Judge David R. Grand for any additional discovery disputes, including the extension of discovery to accommodate intervention if necessary.

IT IS SO ORDERED.

s/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: May 28, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 28, 2015, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager