

DOWD, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Tiffani Nussbaum, et al.,)	
)	CASE NO. 5:11 CV 2322
Plaintiffs,)	
)	
v.)	<u>MEMORANDUM OPINION AND</u>
)	<u>ORDER</u>
Technical International Supply Corp., et al,)	
)	
)	
Defendants.)	

The Court referred this case to Magistrate Judge Burke for general pretrial supervision. Pursuant to a settlement, plaintiffs and defendants Millenium Colorworks, Inc., Technical International Supply Corp. dba Technical Tattoo Supply & Manufacturing Co., Inc., and Superior Tattoo Equipment, Inc., filed a stipulation of partial dismissal with prejudice. ECF 71. Defendants Millenium Colorworks, Inc. and Technical International Supply Corp. dba Technical Tattoo Supply & Manufacturing Co., Inc., have filed a third-party complaint against third-party defendant RGD Enterprises, Inc. The stipulated partial dismissal provides that such dismissal does not affect any defendant’s rights to pursue their third-party claims.

Magistrate Judge Kathleen Burke issued a Report and Recommendation recommending that the Court approve the stipulation of partial dismissal with prejudice. Magistrate Judge Burke further recommends that the Court exercise its discretion to retain supplemental jurisdiction over the third-party complaint to allow for an efficient resolution of the remaining claims that involve the same core facts as the original action. ECF 72.

(5:11 CV 2322)

Under the relevant statute:

[T] magistrate judge shall file [her] proposed findings and recommendations under subparagraph (B) with the court and a copy shall forthwith be mailed to all parties.

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of 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)(C).

No objections have been filed to Magistrate Judge Burke's Report and Recommendation. The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a *de novo* determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's Report and Recommendation and adopts the same. Accordingly, the parties' stipulated partial dismissal with prejudice will be approved and the Court will retain jurisdiction over the third-party complaint in this case.

IT IS SO ORDERED.

September 26, 2012
Date

s/ David D. Dowd, Jr.
David D. Dowd, Jr.
U.S. District Judge