

**United States District Court**  
**EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

PAVECON HOLDING CO., INC., ET AL.	§	
	§	Civil Action No. 4:16-CV-888
v.	§	(Judge Mazzant/Judge Nowak)
	§	
RICK W TUZINSKI, ET AL.	§	

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On May 24, 2017, the report of the Magistrate Judge (Dkt. #52) was entered containing proposed findings of fact and recommendations that Defendant Rick Tuzinski's Motion to Compel Arbitration (Dkt. #29) be denied and Defendant Kansas Asphalt, Inc.'s Motion to Stay Proceeding Pending Outcome of Arbitration (Dkt. #30) be denied as moot.

Having received the report of the Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** Defendant Rick Tuzinski's Motion to Compel Arbitration (Dkt. #29) is **DENIED**.

It is further **ORDERED** that Defendant Kansas Asphalt, Inc.'s Motion to Stay Proceeding Pending Outcome of Arbitration (Dkt. #30) is **DENIED AS MOOT**.

**IT IS SO ORDERED.**

**SIGNED this 9th day of June, 2017.**

  
 AMOS L. MAZZANT  
 UNITED STATES DISTRICT JUDGE