

FILED
U.S. DISTRICT COURT

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

NO. 12
DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

DAVID E. BROWN,

Plaintiff,

vs.

SOUTHERN UTAH UNIVERSITY, et al.,

Defendants.

ORDER ADOPTING REPORT AND
RECOMMENDATION

Case No. 2:08 CV 542 TC

The court referred this case to Magistrate Judge Brooke C. Wells pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B). On May 1, 2009, Judge Wells, in a very thorough Report and Recommendation, addressed three pending motions: Plaintiff's motion for summary judgment, Defendants' motion for relief under Rule 56(f) of the Federal Rules of Civil Procedure and Plaintiff's motion for arbitration.

The parties were given ten days to file objections to the Report and Recommendation and were cautioned that failure to file an objection could constitute waiver thereof upon subsequent review. No objections were filed.

The court has carefully reviewed the Report and Recommendation¹ in this matter and

¹(Dkt. 53)

relevant materials in the file and agrees with the recommendation of the Magistrate Judge. The Report and Recommendation is adopted as the order of the court. Defendants' Rule 56(f) motion is granted allowing additional discovery. The Plaintiff's pending motions for summary judgment and arbitration may be renewed, if appropriate, upon completion of discovery.

IT IS SO ORDERED THIS 21st day of May, 2009.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
Chief Judge