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

ROBERT BIPLOVE TIMILSINA and BIG
DADDY'S PIZZA RESTAURANT, LLC, a
Utah limited liability company,

Plaintiffs,

v.

WEST VALLEY CITY, a municipal
corporation, and DOES 1-10,

Defendants.

**MEMORANDUM DECISION AND
ORDER ADOPTING REPORT
AND RECOMMENDATION**

Case No. 2:14-cv-00046-DN-EJF

District Judge David Nuffer
Magistrate Judge Evelyn J. Furse

The Report and Recommendation¹ issued by United States Magistrate Judge Furse on July 1, 2015 recommends that West Valley City's Cross-Motion for Summary Judgment² be GRANTED and Mr. Timilsina's Motion for Summary Judgment³ be DENIED.

The parties were notified of their right to file objections to the Report and Recommendation within 14 days of service pursuant to [28 U.S.C. § 636](#) and [Fed. R. Civ. P. 72](#).⁴ As of the date of this Order, no objection has been filed to the Report and Recommendation.

De novo review of all materials, including the record that was before the magistrate judge and the reasoning set forth in the Report and Recommendation, has been completed. The analysis and conclusion of the magistrate judge are correct and the Report and Recommendation will be adopted.

¹ Report and Recommendation ("R&R"), [docket no. 38](#), entered July 1, 2015.

² West Valley City's Cross-Motion for Summary Judgment, [docket no. 21](#), filed August 8, 2014.

³ Plaintiffs' Motion for Summary Judgment and Memorandum in Support of Thereof, [docket no. 19](#), filed June 30, 2014.

⁴ See R&R at 24-25.

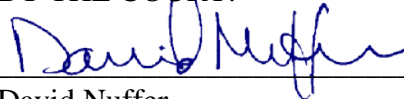
Because there was no objection to granting West Valley City’s Cross-Motion for Summary Judgment, the relief requested by West Valley City—an order “dismissing Plaintiffs’ Complaint as a matter of law”⁵—is awarded.

IT IS HEREBY ORDERED that the Report and Recommendation⁶ is ADOPTED. West Valley City’s Cross-Motion for Summary Judgment⁷ is GRANTED and Mr. Timilsina’s Motion for Summary Judgment⁸ is DENIED. The above-captioned matter is DISMISSED with prejudice.

The Clerk is directed to close the case.

Dated August 3, 2015.

BY THE COURT:



David Nuffer
United States District Judge

⁵ West Valley City’s Cross-Motion for Summary Judgment at 1, [docket no. 21](#), filed August 8, 2014.

⁶ Report and Recommendation (“R&R”), [docket no. 38](#), entered July 1, 2015.

⁷ West Valley City’s Cross-Motion for Summary Judgment, [docket no. 21](#), filed August 8, 2014.

⁸ Plaintiffs’ Motion for Summary Judgment and Memorandum in Support of Thereof, [docket no. 19](#), filed June 30, 2014.