

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Case No. 17-cv-00446-RM-KMT

WATERMARK HARVARD SQUARE, LLC, *et al.*,

Plaintiffs,

v.

WILLIE LEE CALVIN,

Defendant.

ORDER

Pending before the Court is the March 6, 2018 Report and Recommendation of U.S. Magistrate Judge Kathleen M. Tafoya (“the R&R”) (ECF No. 27), recommending (1) granting plaintiffs’, Watermark Harvard Square, LLC, Watermark Harvard Square AP, LLC, Watermark Harvard Square Owner, LLC, Watermark Retirement Communities, Inc., Watermark Services I, LLC, and Watermark Services IV, LLC (collectively, “plaintiffs”), petition to compel arbitration (ECF No. 1)¹, (2) enjoining defendant Willie Lee Calvin’s (“defendant”) State court proceeding, (3) staying and administratively closing this case, and (4) following any final order of arbitration, permitting the parties to move to re-open this case upon good cause, including to enforce the arbitration award.

¹ The petition to compel arbitration was filed by other plaintiffs, but they have since been dismissed from this case. (See ECF No. 26.)

The R&R specifically advised the parties that written objections were due within 14 days after service of the same. (ECF No. 27 at 17-18.) The Magistrate Judge warned the parties that failure to file timely objections would waive *de novo* review of the R&R. (*Id.*) Despite the Magistrate Judge’s warning, more than fourteen days have passed since entry of the R&R and no objections have been filed in this case.

“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed.R.Civ.P. 72, Adv. Comm. Notes, subdivision (b) (1983); *see also Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (“In the absence of timely objection, the district court may review a magistrate’s report under any standard it deems appropriate.”).

Accordingly, after consideration of the law, the record, and the unopposed R&R, the Court finds that the Magistrate Judge’s analysis and recommendation exhibit no clear error and ADOPTS the same as if fully incorporated herein by reference.

As a result, the Court:

- (1) GRANTS plaintiffs’ petition to compel arbitration (ECF No. 1);
- (2) ENJOINS defendant Willie Lee Calvin’s proceeding in the Denver District Court action titled *Calvin v. Watermark Harvard Square, LLC, et al.*, Case No. 2016-cv-34673; and
- (3) STAYS and ADMINISTRATIVELY CLOSES this case, pending completion of the parties’ arbitration.

Following any final order of arbitration, the parties may move to re-open this case upon a showing of good cause, which shall include enforcing the arbitration award.

SO ORDERED.

DATED this 29th day of March, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE
United States District Judge