

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

TSYS MERCHANT SOLUTIONS, LLC,

Plaintiff

vs.

Case No. 16-4024-SAC

PIPELINE PRODUCTIONS, INC.,
PIPELINE TICKETING, LLC, and
NATHAN PRENGER,

Defendants.

MEMORANDUM AND ORDER

The case comes before the court on the Magistrate Judge's report and recommendation filed October 19, 2016. (Dk. 26). It recommends granting in part and denying in part the motion for leave to file answer out of time (Dk. 19) that was filed by the defendants Pipeline Productions, Inc. and Pipeline Ticketing, LLC. The magistrate judge found the motion moot with respect to the defendant Pipeline Ticketing, LLC, because the district court had already granted (Dk. 23) the plaintiff TSYs Merchant Solutions, LLC's motion to enforce the settlement agreement (Dk. 15) entitling it to judgment in its favor and against Pipeline Ticketing, LLC in the amount of \$97,609.80 according to the terms of the written settlement agreement. Consequently, the magistrate judge recommends denying the Pipeline Ticketing, LLC's motion for leave to file answer out of time. With respect to the defendant Pipeline Productions, Inc., the magistrate judge

recommended that the district court grant the motion for leave to file answer out of time and also vacate the clerk's entry of default against the defendant Pipeline Productions, Inc.

The time for filing written objections to the report and recommendation has passed without any being filed, and the parties have so waived their right to de novo review pursuant to 28 U.S.C. § 636(b)(1). See *Hill v. SmithKline Beecham Corp.*, 393 F.3d 1111, 1114 (10th Cir. 2004) (There is a "firm waiver rule" for review of all factual and legal questions to which a party has failed to object to the magistrate judge's findings and recommendations. (citing *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991))). After reviewing the record, the district court accepts, approves and adopts as its order the Magistrate Judge's report and recommendation.

IT IS THEREFORE ORDERED that the court accepts, approves and adopts as its order the Magistrate Judge's report and recommendation filed October 19, 2016 (Dk. 26), and thereby denies as moot the defendant Pipeline Ticketing, LLC's motion for leave to file answer out of time (Dk. 19), but grants the defendant Pipeline Productions, Inc.'s motion for leave to file answer out of time (Dk. 19) and also vacates the clerk's entry of default (Dk. 22) against the defendant Pipeline Productions, Inc.

Dated this 18th day of November, 2016, Topeka, Kansas.

s/Sam A. Crow
Sam A. Crow, U.S. District Senior Judge