

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

HELMER W. OBERG, an individual, and
KATHEY LINDSEY as Trustee of the JEFF
OBERG INSURANCE TRUST,

Plaintiffs/Judgment Creditors,

v.

Case No. 20-2055-JWB

DANIEL H. LOWE,

Defendant/Judgment Debtor.

MEMORANDUM ORDER

This matter is before the court on the January 4, 2021 Report and Recommendation (Doc. 46) by United States Magistrate Judge Gwynne E. Birzer. The Report recommends that Plaintiffs' Amended Application for Issuance of Charging Orders Against the Limited Liability Company Interests of Defendant/Judgment Debtor Daniel H. Lowe (Doc. 31) be GRANTED and, pursuant to K.S.A. § 17-76,113, a charging order be entered in favor of Plaintiffs against any interests of Defendant Daniel H. Lowe in the 19 companies enumerated in the charging order that the court files contemporaneously with this order. The Recommendation is incorporated herein by reference. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

The parties were advised that specific written objections were due within 14 days after being served with a copy of the Report and Recommendation. (Doc. 6, at 5.) Neither party has filed a timely objection or otherwise made any effort to respond to the magistrate judge's Report and Recommendation. "In the absence of timely objection, the district court may review a magistrate . . . [judge's] report under any standard it deems appropriate." *Summers v. Utah*, 927

F.2d 1165, 1167 (10th Cir. 1991) (citing *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (stating that “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings”).

The court agrees with the reasoning of Judge Birzer’s analysis and recommendations and finds that “there is no clear error on the face of the record.” *See* Fed. R. Civ. P. 72(b) advisory committee’s note. Thus, the court ADOPTS the Report of the magistrate judge as the findings and conclusions of this court. Accordingly, Plaintiffs’ Application (Doc. 31) is GRANTED.

IT IS SO ORDERED this 10th day of February, 2021.

s/ John W. Broomes
JOHN W. BROOMES
UNITED STATES DISTRICT JUDGE