

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Best Western International Incorporated v. Anderson Hospitality LLC, et al.

No. CV-25-03077-PHX-SMM (MTM), United States District Court for the District of Arizona (March 20, 2026)

SUMMARY

The United States District Court for the District of Arizona adopted a magistrate judge’s Report and Recommendation after no objections were filed. The court granted Best Western International Incorporated’s motion for attorney fees and costs, awarding \$3,525.00 in attorney fees and \$1,370.22 in costs, with post-judgment interest.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Stephen M. McNamee
JURISDICTION	United States District Court for the District of Arizona
DECIDED	March 20, 2026
DOCKET	CV-25-03077-PHX-SMM (MTM)
DISPOSITION	approved
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending that Plaintiff's motion for attorney fees be granted. No party filed objections.
STANDARD OF REVIEW	Under 28 U.S.C. § 636(b)(1)(C), the district court may accept, reject, or modify a magistrate judge's findings or recommendations in whole or in part. Failure to object relieves the district court of conducting de novo review of the magistrate judge's factual findings and may waive objections to those findings on appeal.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is not stated.

TOPICS

- attorney fees
- costs
- civil procedure
- contracts
- commercial litigation

PRACTICE AREAS

- civil procedure
- contracts
- commercial litigation
- attorney fees
- costs

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Amended Report and Recommendation when no party filed objections.
2. Whether Plaintiff was entitled under the membership agreement to an award of attorney fees and costs.
3. Whether the requested attorney hourly rate and time expended were reasonable.

HOLDINGS

1. The district court adopted the magistrate judge's Amended Report and Recommendation because no party filed objections.
2. Plaintiff was entitled to attorney fees and costs based on the terms of the membership agreement.
3. The requested attorney hourly rate and time expended were reasonable, and the court awarded \$3,525.00 in attorney fees and \$1,370.22 in costs.

KEY QUOTATIONS

“Having reviewed the Report and Recommendation of the Magistrate Judge, and no Objections having been made by any party thereto, the Court hereby incorporates and adopts the Magistrate Judge’s Report and Recommendation.” (at 2)

“IT IS FURTHER ORDERED awarding Plaintiff \$3,525.00 in attorney fees and \$1,370.22 in costs, accruing post-judgment interest pursuant to 28 U.S.C. § 1961, from the date of the entry of this judgment and until the judgment is paid in full.” (at 3)

FACTUAL BACKGROUND

The opinion provides few underlying merits facts. Plaintiff sought attorney fees and costs under the terms of a membership agreement. The court agreed with the magistrate judge that Plaintiff's attorneys' hourly rate and the time expended were reasonable.

PROCEDURAL HISTORY

The matter was assigned to Magistrate Judge Michael T. Morrissey, who issued a Report and Recommendation on March 4, 2026, and an Amended Report and Recommendation on March 5, 2026. Because not all parties had consented to magistrate-judge jurisdiction, the matter was presented to the district court for review. With no objections filed, the district court adopted the Amended Report and Recommendation and granted Plaintiff's motion for attorney fees and costs.

DISPOSITION

approved

CASES CITED

- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)

OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF ARIZONA 8 9 Best Western International Incorporated, No. CV-25-03077-PHX-SMM (MTM) 10 Plaintiff, ORDER 11 v. 12 Anderson Hospitality LLC, et al., 13 Defendants. 14 15 This matter was assigned to Magistrate Judge Michael T. Morrissey. (Doc. 4).

On 16 March 4, 2026, the Magistrate Judge filed a Report and Recommendation with this 17 Court.¹ (Doc. 24). On March 5, 2026, the Magistrate Judge filed an Amended Report and 18 Recommendation. (Doc. 25). To date, no objections have been filed.

The Magistrate 19 1 This case is assigned to a Magistrate Judge. However, not all parties have 20 consented to the jurisdiction of the Magistrate Judge. Thus, the matter is before this Court pursuant to General Order 21-25, which states in relevant part: 21 When a United States Magistrate Judge to whom a civil action has been 22 assigned pursuant to Local Rule 3.7(a)(1) considers dismissal to be appropriate but lacks the jurisdiction to do so under 28 U.S.C. § 636(c)(1) 23 due to incomplete status of election by the parties to consent or not consent to the full authority of the Magistrate Judge, 24 IT IS ORDERED that the Magistrate Judge will prepare a Report and 25 Recommendation for the Chief United States District Judge or designee.

26 IT IS FURTHER ORDERED designating the following District Court Judges to review and, if deemed suitable, to sign the order of dismissal on 27 my behalf: 28 Phoenix/Prescott: Senior United States District Judge Stephen M. McNamee 1 Judge recommends that the Court grant Plaintiff's Motion for Attorneys' Fees. (Id.) 2 STANDARD OF REVIEW 3 The Court "may accept, reject, or modify, in whole or in part, the findings or 4 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1)(C); see Baxter v. 5 Sullivan, 923 F.2d 1391, 1394 (9th Cir.

1991). Parties have fourteen days from the 6 service of a copy of the Magistrate's recommendation within which to file specific 7 written objections to the Court. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. Failure to 8 object to a Magistrate Judge's recommendation relieves the Court of conducting de novo 9 review of the Magistrate Judge's factual findings and waives all objections to those 10 findings on appeal.

See Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998). A failure to 11 object to a Magistrate Judge's conclusion "is a factor to be weighed in considering the 12 propriety of finding waiver of an issue on appeal." Id. 13 DISCUSSION 14 Having reviewed the Report and Recommendation of the Magistrate Judge, and no 15 Objections having been made by any party thereto, the Court hereby incorporates and 16 adopts the Magistrate Judge's Report and Recommendation.

Moreover, the Court agrees 17 with the Magistrate Judge that Plaintiff's Motion for Attorney Fees and Costs should be 18 granted based on the terms of the membership agreement. (Doc. 25).

Further, the Court 19 agrees with the Magistrate Judge that Plaintiff's attorneys' hourly rate and the amount of 20 time expended in this matter is reasonable. (Id.) 21 CONCLUSION 22 Accordingly, for the reasons set forth, 23 IT IS ORDERED adopting the Report and Recommendation of the Magistrate 24 Judge.

(Doc. 25). 25 IT IS FURTHER ORDERED granting Plaintiff's Motion for Attorney Fees and 26 Costs. (Doc. 22). 27 IT IS FURTHER ORDERED awarding Plaintiff \$3,525.00 in attorney fees and 28 \$1,370.22 in costs, accruing post-judgment interest pursuant to 28 U.S.C. § 1961, from 1 || the date of the entry of this judgment and until the judgment is paid in full. 2 Dated this 20th day of March, 2026.

4 Stephen M. McNamee 5 Senior United States District Judge 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 _3-