

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)

---

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.<sup>1</sup> (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-