

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

1901 SOUTH LAMAR, LLC; REVELRY
KITCHEN & BAR, LLC; and REVELRY
ON THE BOULEVARD, LLC,

Defendants.

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1:23-CV-539-RP

ORDER

Before the Court is the report and recommendation from United States Magistrate Judge Susan Hightower concerning Defendant 1901 South Lamar, LLC’s Rule 12(b)(1) Motion to Dismiss, (Dkt. 8); Defendant Revelry Kitchen & Bar, LLC’s Rule 12(b)(1) Motion to Dismiss, (Dkt. 10); Defendant Revelry on the Boulevard, LLC’s Rule 12(b)(1) Motion to Dismiss, (Dkt. 11); and Plaintiff-Intervenor Kellie Connolly’s Motion to Intervene, (Dkt. 9). (R. & R., Dkt. 17). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Hightower issued her report and recommendation on December 15, 2023. (*Id.*). As of the date of this order, no party has filed objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge’s proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. When no objections are timely filed, a district court can review the magistrate’s report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee’s note (“When no

timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge, (Dkt. 17), is **ADOPTED**. Defendant 1901 South Lamar, LLC’s Rule 12(b)(1) Motion to Dismiss, (Dkt. 8), is **DENIED**. Defendant Revelry Kitchen & Bar, LLC’s Rule 12(b)(1) Motion to Dismiss, (Dkt. 10), is **DENIED**. Defendant Revelry on the Boulevard, LLC’s Rule 12(b)(1) Motion to Dismiss, (Dkt. 11), is **DENIED**. Plaintiff-Intervenor Kellie Connolly’s Motion to Intervene, (Dkt. 9), is **GRANTED**.

The Clerk of the Court is **ORDERED** to file Plaintiff-Intervenor Kellie Connolly’s Complaint in Intervention, (Dkt. 9-1).

SIGNED on January 3, 2024.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE