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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

American Steel Incorporated, Plaintiff, v. Vensure Employer Services Incorporated, et al., Defendants.	No. CV-25-03087-PHX-DJH **ORDER**

On November 17, 2025, Defendants Vensure Employer Services Inc. and VensureHR, Inc. (collectively, "Defendants") filed a Motion to Dismiss Class Action Complaint (Doc. 22). That same day, Avitus, Inc. ("Avitus") filed a Motion to Intervene (Doc. 19) under Fed. R. Civ. P. 24(a) and (b). The Court then referred this matter to Magistrate Judge Alison S. Bachus "for all pretrial matters." (*See* Doc. 23). Plaintiff American Steel Inc. ("Plaintiff") filed a Response in Opposition to both Motions (*see* Docs. 29, 31), and Defendants and Avitus each filed a Reply to their respective Motions. (*See* Docs. 38–39). Because the present Motions are within the province of the Court, Judge Bachus submitted a report and recommendation ("R&R") on the Motion to Dismiss and the Motion to Intervene. Judge Bachus issued her R&R on March 6, 2026. (Doc. 41). The R&R recommends that the Court grant Defendants' Motion to Dismiss with leave to amend. (*Id*. at 23). She further recommends that the Court deny the Motion to Intervene as moot. (*Id*.) However, in the event that the Court determines that the Motion to Dismiss should be denied, Judge Bachus would recommend that Avitus's Motion to Intervene be

granted.

Judge Bachus advised the parties that they had fourteen days to file objections to the R&R, and fourteen days thereafter to file any response to the objections. (*Id*. at 24). Plaintiff filed an Objection as to Judge Bachus's conclusion that the Motion to Intervene should be granted if the Motion to Dismiss is denied. (Doc. 42). Without raising any specific objections, Plaintiff stated that it disagreed that the Motion to Dismiss should be granted but recognized that, if it was granted, the Motion to Intervene could be properly denied as moot. (*Id.* at 2 n.1). Defendants and Avitus both noted in their Responses to the Objection that Plaintiff does not raise any argument regarding the R&R's conclusion on the Motion to Dismiss (*see* Doc. 43 at 2; Doc. 44 at 3). The Court agrees with Defendants and Avitus that it need not review de novo those portions of a Report and Recommendation to which neither party objects. *See Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 2005). Reviewing the R&R in light of the Objection and Responses, the Court finds that the R&R should be accepted and will adopt it as the Order of the Court.

Accordingly,

IT IS ORDERED that the Report and Recommendation (Doc. 41) is adopted as a Court Order.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss Class Action Complaint (Doc. 22) is **GRANTED**. Plaintiff shall file an amended complaint **within fourteen (14) days of this Order**.

IT IS FINALLY ORDERED that Avitus's Motion to Intervene (Doc. 19) is **DENIED as moot**.

Dated this 22nd day of July, 2026.

Honorable Diane J. Humetewa
United States District Judge