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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL UNGUREANU, et al.,

Plaintiff,

CIV S-11-0316 LKK GGH PS

vs.

A. TEICHERT & SON, et al.,

Defendants.

ORDER

_____ /

On October 13, 2011, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. No objections were filed.

Accordingly, the court presumes any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983).

The court has reviewed the applicable legal standards and, good cause appearing, concludes that it is appropriate to adopt the Findings and Recommendations in full.

Accordingly, IT IS ORDERED that the Findings and Recommendations filed October 13, 2011, are ADOPTED and

1 1. Claims First, Second, Third, Fourth, Fifth, and Sixth (various state law claims)
2 are dismissed without leave to amend as to all defendants on the basis of the workers
3 compensation exclusivity bar;

4 2. In any event, defendant Thomas Anthony, Jr. is dismissed from all claims
5 without leave to amend;

6 3. Claim Eighth (Title VII) is dismissed with leave to amend for failure to
7 demonstrate administrative exhaustion; only defendant Teichert is pertinent to this claim;

8 4. Claim Ninth (42 U.S.C. § 1981) is dismissed with leave to amend; this claim is
9 pertinent to defendant Teichert only;


10 5. Claim Seventh (loss of consortium) is dismissed without leave to amend.

11 6. All motions to strike by all defendants except Teichert are vacated as moot;
12 Teichert's motion to strike is granted with leave to amend.

13 6. Plaintiff Daniel Ungureanu is ordered to file an amended complaint for
14 discrimination under Title VII (demonstrate exhaustion) and 42 U.S.C. § 1981 against defendant
15 Teichert only within twenty-eight (28) days of the filed date of this order; failure to file an
16 amended complaint within the recommended time period will result in a recommendation that
17 this defendant be dismissed.

18 This order resolves Docket #: 14, 15, 16, 17, 18, 19, 20, 21, 24, 26, and 28.

19 DATED: December 22, 2011.

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22 LAWRENCE K. KARLTON
23 SENIOR JUDGE
24 UNITED STATES DISTRICT COURT
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