

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

ROCKY BIXBY, LAWRENCE ROBERTA,  
SCOTT ASHBY, CHARLES ELLIS, MATTHEW  
HADLEY, CARLOS AVALOS, JESUS BRUNO,  
COLT CAMPREDON, STEPHEN FOSTER, BYRON  
GREER, KELLY HAFFER, DENNIS JEWELL,  
STEPHEN MUELLER, VITO PACHECO, JOHN  
RYDQUIST, KEVIN STANGER, RONALD  
BJERKLUND, ADANROLANDO GARCIA, BRIAN  
HEDIN, LEWIS MARTIN, CHARLES SEAMON,  
RANDY KEIPER, MATT KUHNEL, DENNIS  
ROSGEN, AARON ST. CLAIR, KEVIN WILSON,  
JASON BLAIN, JAMES BORJA, DEVIN FIELDS,  
LESLIE ING, RICHARD LAWRENCE, JAY  
LOUISIANA, JAMES MCGOWAN, DONALD  
YEARGIN, JASON ARNOLD, CHRISTOPHER  
WANGELIN, and MICHAEL O'RIELLY,

Plaintiffs,

3:09-CV-632-PK

v.

OPINION & ORDER

KBR, INC., KELLOGG, BROWN & ROOT SERVICE,  
INC., KBR TECHNICAL SERVICES, INC.,  
OVERSEAS ADMINISTRATION SERVICES, LTD.,  
SERVICE EMPLOYEES INTERNATIONAL, INC.,  
HALLIBURTON COMPANY and HALLIBURTON  
ENERGY SERVICES, INC.,

Defendants.

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HERNANDEZ, District Judge:

The Honorable Paul Papak referred a Findings and Recommendation (“F & R”) (doc. #192) to me on June 16, 2011. The F&R recommends that defendants Halliburton Company and Halliburton Energy Services, Inc.’s (“Halliburton Defendants”) motion to dismiss for lack of personal jurisdiction (doc. #145) be granted and their motion to dismiss for lack of subject matter jurisdiction (doc. #172) be denied as moot.

### **STANDARDS**

The court is generally required to make a de novo determination of those portions of the Magistrate Judge’s Findings and Recommendation to which objections are made. 28 U.S.C. § 636(b)(1); see also United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). For those portions of the Findings and Recommendation to which the parties do not object, the court is relieved of its obligation to review the record de novo as to those portions of the Findings and Recommendation. Reyna-Tapia, 328 F.3d at 1121. In performing its review, the district court may accept, reject, or modify, in whole or in part, the Findings and Recommendation, opt to receive further evidence, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

### **DISCUSSION**

On June 30, 2011, co-defendants KBR, Inc., Kellogg Brown & Root Services, Inc., KBR Technical Services, Inc., Overseas Administration Services, Ltd., and Service Employees International, Inc. (“KBR Defendants”) and the Halliburton Defendants (collectively, “Defendants”) filed timely objections to the Magistrate Judge’s F & R. Defendants do not object to the Magistrate Judge’s legal recommendation that the Halliburton Defendants’ motion to

dismiss for lack of personal jurisdiction be granted or that the Halliburton Defendants' motion to dismiss for lack of subject matter jurisdiction be denied as moot. Defendants, however, object to certain facts in the "Underlying Facts" section of the F & R as irrelevant to the Magistrate Judge's determination granting the Halliburton Defendants' motion to dismiss for lack of personal jurisdiction. Defendants do not cite with any particularity the facts to which they object in the F & R. They, however, seek clarifying statements that the facts in the "Underlying Facts" section of the F & R are plaintiffs' version of the facts and are accepted as true for the sole purpose of deciding Halliburton's motion to dismiss for lack of personal jurisdiction. Defendants contend that their request for clarification is proper because plaintiffs and parties in other cases may seek to portray the facts in the "Underlying Facts" section of the F & R on the merits, which they assert is inaccurate.

Plaintiffs respond that further review of the Magistrate Judge's findings would prolong the life of this case, that Defendants' objections are not worthy of review, that it is not for this court to declare how other courts are to interpret the Magistrate Judge's findings, and that the editing changes sought by Defendants undermine the purpose of the review process.

I have carefully considered Defendants' objections and conclude that they do not provide a basis to modify the F & R. I have also reviewed the pertinent portions of the record de novo and find no error in the Magistrate Judge's F & R. Defendants' objections do not affect and have no relevance to the Magistrate Judge's ultimate recommendation. Furthermore, the facts to which Defendants object simply provide background to aid the reader in framing and understanding the dispute. Accordingly, Defendants' objections are overruled.

## CONCLUSION

For the reasons set forth above, this court adopts the Magistrate Judge's F & R (doc. #192). The Halliburton Defendants' motion to dismiss for lack of personal jurisdiction (doc. #145) is granted and their motion to dismiss for lack of subject matter jurisdiction (doc. #172) is denied as moot.

IT IS SO ORDERED.

Dated this 20th day of July, 2011.

/s/ Marco A. Hernandez  
Marco A. Hernandez  
United States District Judge