

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

**KIMBERLY GROSZ,**  
Plaintiff,

CV 10-563-ST

OPINION AND ORDER

v.

**FARMERS INSURANCE EXCHANGE,  
JACK CRAEMER, and JARED HANSEN,**  
Defendants.

**MOSMAN, J.,**

On November 9, 2010, Magistrate Judge Stewart issued a Findings and Recommendation (“F&R”) (#48) in the above-captioned case recommending that defendant Craemer and defendant Hansen’s Motion to Dismiss (#27) be granted in part and denied in part. Plaintiff filed objections (#50) and defendant filed a response (#51).

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to

review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Stewart's recommendation, and I ADOPT the F&R (#48) as my own opinion.

IT IS SO ORDERED.

DATED this \_\_\_\_ day of February, 2011.

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MICHAEL W. MOSMAN  
United States District Court