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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Diane Jacobson, on behalf of herself and
all others similarly situated,

Plaintiff,

vs.

Peter Piper Pizza, Inc.

Defendant.

No. CV 16-596-TUC-JAS (LCK)

ORDER

Pending before the Court is a Report and Recommendation issued by Magistrate Judge Kimmins. In the Report and Recommendation, Magistrate Judge Kimmins recommends granting Defendant’s motion to dismiss. As the Court finds that the Report and Recommendation appropriately resolved the motion to dismiss, the objections are denied.¹

Accordingly, IT IS HEREBY ORDERED as follows:

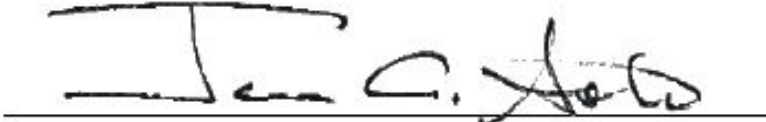
- (1) Magistrate Judge Kimmins’ Report and Recommendation (Doc. 31) is accepted and adopted.
- (2) Defendant’s motion to dismiss is granted.
- (3) This case is dismissed without prejudice. The Clerk of the Court shall enter judgment

¹The Court reviews de novo the objected-to portions of the Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court reviews for clear error the unobjected-to portions of the Report and Recommendation. See *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); see also *Conley v. Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998).

1 and close the file in this case.

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DATED this 3rd day of August, 2018.



James A. Soto
United States District Judge