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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Warren Simpson,
Plaintiff,

vs.

Pizza Venture of Tucson, LLC, and Papa
John’s International, Inc.,
Defendants.

No. CV 18-98-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 a motion to dismiss. As the Court finds that the Report and Recommendation appropriately resolved the motion, the objections are denied.¹

Accordingly, IT IS HEREBY ORDERED as follows:

(1) Magistrate Judge Kimmins’ Report and Recommendation (Doc. 48) is accepted and adopted.

(2) The motion to dismiss (Doc. 30) is granted, but Plaintiff is granted leave to amend, within 20 days of the filing date of this Order, pursuant to the directions contained in the

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 Report and Recommendation.

2 (3) This case is referred back to Magistrate Judge Kimmins for any further proceedings.

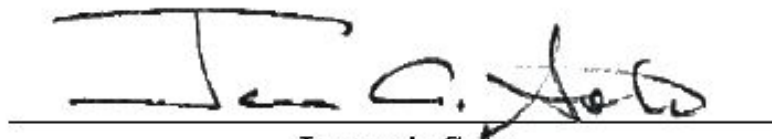
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4 DATED this 9th day of August, 2019.

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A handwritten signature in black ink, appearing to read "James A. Soto", is written over a horizontal line.

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James A. Soto
United States District Judge

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