

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JOSE JULIO and TINA DENISE  
GONZALEZ,

Plaintiffs

v.

JAN GLICK, et al.,

Defendants.

Case No. CV 15-00131-JVS (GJS)

**ORDER ACCEPTING FINDINGS  
AND RECOMMENDATIONS OF  
UNITED STATES MAGISTRATE  
JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Second Amended Complaint (“SAC”), all pleadings, motions, and other documents filed in this action, the Report and Recommendation of United States Magistrate Judge (“Report”), and Plaintiffs’ Objections to the Report. Pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), the Court has conducted a de novo review of those portions of the Report to which objections have been stated.

Having completed its review, the Court accepts the findings and recommendations set forth in the Report. Accordingly, **IT IS ORDERED** that the motion to dismiss filed by Defendant Pankau and in which Defendants Orly and Jankowski have joined [Dkt. 30, 37] and the motion to dismiss filed by Defendants Anderson, Glick, Hseuh, McCarthy, Miller, Raney, and Wicklund [Dkt. 35] are **GRANTED** and **DENIED** as follows:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- (1) Count 5 of the SAC is dismissed without leave to amend with respect to Plaintiff Tina Gonzalez;
- (2) Count 5 of the SAC is dismissed with leave to amend with respect to Plaintiff Jose Julio Gonzalez, who may attempt to replead the claim against Defendants Anderson and Wicklund;
- (3) Count 4 of the SAC is dismissed with leave to amend, and Plaintiffs may attempt to replead this claim against Defendants Glick, Hseuh, and McCarthy;
- (4) The ten state law claims of the SAC are dismissed without prejudice for lack of jurisdiction; and
- (5) Plaintiffs are granted leave to file a Third Amended Complaint within 30 days of the issuance of this Order, which shall be consistent with the Report and this Order.

**IT IS SO ORDERED.**



DATE: March 14, 2016

---

JAMES V. SELNA  
UNITED STATES DISTRICT JUDGE