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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

LORCAN T. KILROY,)	Case No.: CV 16-09068-DMG (JDE)
Plaintiff,)	
v.)	ORDER ACCEPTING FINDINGS
LOS ANGELES UNIFIED)	AND RECOMMENDATION OF
SCHOOL DISTRICT BOARD)	UNITED STATES MAGISTRATE
OF EDUCATION, et al.,)	JUDGE
Defendants.)	

Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended Complaint, the Motion to Dismiss filed by defendants Los Angeles Unified School District Board of Education (“LAUSD”), John Plevack, Paula Greene, Justo Avila, George McKenna, Scott Schmerelson, Monica Ratliff, and Ref Rodriguez (“Motion to Dismiss”), the Opposition of Plaintiff Lorcan T. Kilroy, the Reply of the moving defendants, the other records on file herein, and the Report and Recommendation of the assigned United States Magistrate Judge. Further, the Court has engaged in a de novo review of those portions of the Report and Recommendation to which objections have been made.

1 1. The Magistrate Judge's Report and Recommendation is approved
2 and accepted, with some modifications noted below.

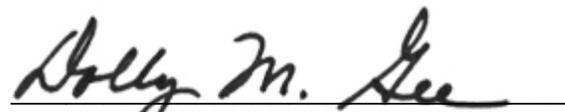
3 2. The Motion to Dismiss Causes of Action One through Eight
4 against defendant LAUSD is GRANTED without leave to amend as to those
5 claims. Any request to raise new causes of action against defendant LAUSD
6 must be raised by way of a motion to amend.

7 3. The Motion to Dismiss Causes of Action One through Seven in
8 the First Amended Complaint is GRANTED as to defendants John Plevack,
9 Paula Greene, Justo Avila, George McKenna, Scott Schmerelson, Monica
10 Ratliff, and Ref Rodriguez in their official capacities, without leave to amend
11 as to those claims. Any request to raise new causes of action against LAUSD
12 Individual Defendants in their official capacity must be raised by way of a
13 motion to amend.

14 4. The Motion to Dismiss Causes of Action Nine and Ten by
15 defendants John Plevack, Paula Greene, Justo Avila, George McKenna, Scott
16 Schmerelson, Monica Ratliff, and Ref Rodriguez in their individual capacities
17 is DENIED.

18 5. All remaining defendants, who have not otherwise filed their
19 Answer, shall file their Answer to the First Amended Complaint within 21
20 days after the date of this Order.

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22 DATED: October 3, 2017

23 
24 DOLLY M. GEE
25 United States District Judge
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