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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

AGFA CORPORATION, Plaintiff, v. BENJAMIN RICHARD, et al., Defendants.	} } } } } } } } } }	Case No. 8:17-cv-01976-DOC (JDEx) ORDER ACCEPTING FINDINGS AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE
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Pursuant to 28 U.S.C. § 636, the Court has reviewed the records on file, including the First Amended Complaint (Dkt. 13, "FAC") filed by Plaintiff Agfa Corporation ("Plaintiff"), the Motion to Dismiss the FAC (Dkt. 21, "Motion to Dismiss") and accompanying Request for Judicial Notice filed by defendant Benjamin Richard ("Defendant") and the Opposition and Reply briefs relating thereto, and the Report and Recommendation of the assigned United States Magistrate Judge. No party has filed any written objection to the Report and Recommendation.

IT IS HEREBY ORDERED that:

1. The Report and Recommendation is approved and accepted;

- 1 2. The Motion to Dismiss is GRANTED without leave to amend as
2 to Claim Two in the FAC and with leave to amend as to Claim
3 Three; and
- 4 3. If Plaintiff can remedy the deficiencies described in the Report and
5 Recommendation regarding Claim Three, Plaintiff shall file a
6 Second Amended Complaint by no later than fourteen (14) days
7 from date of this Order which deletes Claim Two and remedies the
8 deficiencies described in the Report and Recommendation in what
9 is now numbered Claim Three in the FAC, but would be re-
10 numbered as Claim Two in a Second Amended Complaint.
11 Failure to timely file such a Second Amended Complaint will be
12 deemed a voluntary withdrawal of Claim Three by Plaintiff.

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14 Dated: June 20, 2018

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16 *David O. Carter*

17 DAVID O. CARTER
18 United States District Judge
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