

1 IT IS HEREBY ORDERED that:

2 1. The Report and Recommendation is approved and accepted;

3 2. The Motion is GRANTED in part and DENIED in part as
4 follows:

5 a. The Motion is DENIED as to Claim Three;

6 b. The Motion is GRANTED as to Claims Four and Five without
7 leave to amend and final judgment in this action shall reflect
8 that Claims Four and Five are dismissed.

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10 Dated: November 28, 2018

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12 _____
13 DAVID O. CARTER
14 United States District Judge