

1 indemnity and partial indemnity were premature and inapplicable to violations of 47 U.S.C. §§ 533,
2 605. (Doc. 36 at 5). In addition, the Alvarados failed to plead with sufficient specificity their
3 allegations of fraud and negligent misrepresentation to meet the heightened standards of F.R.Civ.P.
4 9(b). (Doc. 36 at 5-6). Further, the Magistrate Judge determined the Alvarados failed to establish
5 claims of negligence, breach of contract, breach of the implied covenant of good faith and fair
6 dealing, and a violation of the Cal. Bus. & Prof. Code § 17200. In addition, the Magistrate Judge
7 determined it was in the interest of justice to not enter default judgment against the Ordaz/Garcia
8 Group while their liability to Plaintiff remains undetermined, and there exists the possibility of
9 dispute concerning material facts.

10 Although the Alvarados were granted 14 days from April 21, 2011, or until May 5, 2011, to
11 file objections to the Magistrate's Amended Findings and Recommendations, they did not.

12 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and *Britt v. Simi Valley*
13 *United School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983), this Court has conducted a *de novo* review of
14 the case. Having carefully reviewed the entire file, the Court finds that the findings and
15 recommendation are supported by the record and by proper analysis.

16 Accordingly, **IT IS HEREBY ORDERED:**

- 17 1. The Amended Findings and Recommendations filed April 21, 2011, are **ADOPTED**
18 **IN FULL**; and
- 19 2. The Alvarados' motion for default judgment (Doc. 32) is **DENIED**.

20 IT IS SO ORDERED.

21 **Dated: May 9, 2011**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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