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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

ROBERTO MEDRANO and ALBERTO LANDA,

Plaintiffs,

v.

CASE NO. 1:10-cv-01555-LJO-SKO

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS

(Docket Nos. 8, 22)

GENCO SUPPLY CHAIN SOLUTIONS
aka GENCO DISTRIBUTION SYSTEMS
and GENCO, INC.; RICHARD HAMLIN;
and DOES 1 through 100, inclusive,

Defendants.

_____ /

On July 9, 2010, Plaintiffs Roberto Medrano ("Medrano") and Alberto Landa ("Landa") (collectively "Plaintiffs") filed a complaint in Fresno Superior Court against Genco I, Inc. ("Genco") (erroneously sued as "Genco Supply Chain Solutions"), and Richard Hamlin ("Hamlin"), the Facility Manager at Genco, alleging various violations of the California Fair Employment and Housing Act, codified at California Government Code § 12000, *et. seq.*¹ Genco removed the action from state court on August 27, 2010. (Doc.1) On September 24, 2010, Plaintiffs filed a Motion to Remand the

¹ A First Amended Complaint was filed on July 23, 2010, changing none of the substantive allegations of the complaint, but instead correcting the spelling of Plaintiffs' names. These name changes are reflected in the caption above.

1 case to state court. (Doc. 8.)

2 On January 11, 2011, the Magistrate Judge issued [Findings and Recommendations](#) that
3 (1) the third-party sexual harassment claim against Defendant Hamlin be DISMISSED without
4 prejudice; (2) Plaintiffs' Motion for Remand be DENIED; and (3) Plaintiffs' request for attorneys'
5 fees be DENIED. The Findings and Recommendations were served on all parties and contained
6 notice that any objections were to be filed within twenty (20) days. No objections were filed.

7 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(c), this Court has conducted a
8 *de novo* review of the case. Having carefully reviewed the entire file, including the objections, the
9 Court finds that the Findings and Recommendations are supported by the record and proper analysis.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The Findings and Recommendations dated January 11, 2011, are ADOPTED IN
12 FULL;
- 13 2. The Third-Party Harassment Claim against Hamlin is DISMISSED;
- 14 2. Plaintiffs' Motion for Remand is DENIED; and
- 15 3. Plaintiffs' Request for Attorneys Fees is DENIED.

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19 IT IS SO ORDERED.

20 **Dated:** February 1, 2011

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