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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

|                                   |   |                         |
|-----------------------------------|---|-------------------------|
| LEIF BERGMAN and BERGMAN          | ) | 1:11-cv-1866 LJO GSA    |
| LANDSCAPE INC.,                   | ) |                         |
|                                   | ) |                         |
| Plaintiffs,                       | ) | ORDER ADOPTING FINDINGS |
|                                   | ) | AND RECOMMENDATIONS     |
| v.                                | ) |                         |
|                                   | ) |                         |
| MICHAEL P. TOBIN, HOLLY W. TOBIN, | ) |                         |
| STEEL VENTURES, INC., UNITED      | ) | (Document 56)           |
| STATES OF AMERICA and BOB         | ) |                         |
| VANELLA,                          | ) |                         |
|                                   | ) |                         |
| Defendants.                       | ) |                         |

Plaintiffs Leif Bergman and Bergman Landscape Inc. (“Plaintiffs”) filed a complaint on September 26, 2011.<sup>1</sup> (Doc. 1). On that same day, Plaintiffs recorded two Notices of Pendency of the Action. (Doc. 32-3, Exs. A and B). Pending before the Court is Defendants Michael and Holly Tobins’ (“Defendants”) Motion to Expunge the Lis Pendens. (Docs. 32 and 34). As part of the Motion, Defendants requested attorney’s fees and dismissal of the action.

On November 9, 2012, the Magistrate Judge issued Findings and Recommendations recommending that Defendants’ Motion to Expunge the Lis Pendens be denied and that the requests for attorney’s fees and dismissal be denied. (Doc. 56). The Findings and Recommendations were served on the parties with instructions that any objections be filed within fifteen (15) days.

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<sup>1</sup> This case was initially filed in the Stanislaus County Superior Court and was removed to this Court by the United States of America on November 9, 2011. (Doc. 1).

1 On November 21, 2012, Defendants did not file objections, but instead filed a document  
2 entitled, "Request for Reconsideration by the District Court of the Magistrate Judge's Ruling."  
3 (Doc. 57). The parties were advised that the Court was construing this motion as objections.  
4 The other parties were advised that any Response to the objections must be filed no later than  
5 December 4, 2012. On December 4, 2012, Plaintiffs filed their Response. (Doc. 59).

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

9 Accordingly, IT IS HEREBY ORDERED that the Findings and Recommendations dated  
10 November 9, 2012 (Doc. 56), are ADOPTED IN FULL. Defendants' Motions to Expunge Lis  
11 Pendens be denied. Similarly, Defendants' request for attorney's fees and their request for  
12 dismissal of this action also be denied.

13  
14 IT IS SO ORDERED.

15 **Dated: December 5, 2012**

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