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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EFRAIN GARCIA, et al.

Case No. 1:12-cv-00609-AWI-SKO

Plaintiffs,

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS THAT
DEFENDANT'S ANTI-SLAPP
MOTION AND REQUEST FOR
ATTORNEY'S FEES BE GRANTED
IN PART AND DENIED IN PART**

vs.

ALLSTATE INSURANCE,

Defendant.

(Docket No. 16)

_____ /

On September 18, 2012, the Magistrate Judge issued Findings and Recommendations that Defendant Allstate Insurance's motion brought pursuant to California's anti-Strategic Lawsuits Against Public Participation ("anti-SLAPP") and request for attorney's fees be granted in part and denied in part. (Doc. 16.) These Findings and Recommendations were served on all parties appearing in the action and contained notice that any objections were to be filed within twenty-one (21) days after service of the order. No objections were filed.

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

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Findings and Recommendations issued September 18, 2012, are ADOPTED IN
3 FULL;
- 4 2. Defendant Allstate Insurance's anti-SLAPP motion is GRANTED IN PART and
5 DENIED IN PART;
- 6 3. Plaintiffs Efrain Garcia and Ofelia Garcia's complaint is DISMISSED without
7 prejudice and with 21 days leave to file an amended complaint;
- 8 4. Defendant Allstate Insurance's request for attorney's fees is DENIED; and
- 9 5. If Plaintiff fails to file a timely amended complaint, leave to amend will be
10 withdrawn and this case will be closed without further notice.

11 IT IS SO ORDERED.

12 Dated: October 16, 2012

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15 CHIEF UNITED STATES DISTRICT JUDGE
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