

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

DESIRE SOARES CARRASCO,  
  
                    Plaintiff,  
  
                    v.  
  
C.H. ROBINSON WORLDWIDE, INC., et  
al.,  
  
                    Defendants.

Case No. 1:13-cv-01438-LJO-SAB  
  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS  
  
ECF NO. 27

On November 27, 2013, the magistrate judge assigned to this action issued a Findings and Recommendations recommending that Defendants C.H. Robinson Worldwide, Inc, Cheyenne Barcelona and Sean Nelson’s (“Defendants”) motion to dismiss be partially granted and partially denied. (ECF No. 27.) The Findings and Recommendations further recommended that Plaintiff Desire Soares Carrasco’s (“Plaintiff”) motion to remand be denied. The Findings and Recommendations contained notice that any objections were to be filed within fourteen (14) days. No party has filed objections to the Findings and Recommendations.

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 finds that the Findings and Recommendations are supported by the record and by proper analysis.

///

1 Accordingly, it is HEREBY ORDERED that:

- 2 1. The November 27, 2013 Findings and Recommendations are ADOPTED IN  
3 FULL;
- 4 2. Plaintiff's attempt to join Cheyenne Barcelona and Sean Nelson as defendants in  
5 this action is DENIED pursuant to 28 U.S.C. § 1447(e);
- 6 3. Plaintiff's motion to remand is DENIED;
- 7 4. Defendants' motion to dismiss is PARTIALLY GRANTED;
- 8 a. Defendants' motion to dismiss Plaintiff's wrongful termination claim is  
9 DENIED;
- 10 b. Defendants' motion to dismiss Plaintiff's harassment claim is GRANTED;
- 11 c. Defendants' motion to dismiss Plaintiff's retaliation claim is DENIED;
- 12 d. Defendants' motion to dismiss Plaintiff's meal period claim is  
13 GRANTED;
- 14 e. Defendants' motion to dismiss Plaintiff's rest period claim is GRANTED;
- 15 f. Defendants' motion to dismiss Plaintiff's unfair competition claim is  
16 GRANTED; and
- 17 5. Plaintiff's Second Amended Complaint shall be filed not later than January 10,  
18 2014.

19 IT IS SO ORDERED.

20 Dated: December 19, 2013

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