



1 Defendants' affirmative defenses one through four lack factual basis.<sup>1</sup>

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
3 *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the  
4 Findings and Recommendations to be supported by the record and by proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The Findings and Recommendations, filed March 2, 2017 (Doc. 62), is adopted in  
7 full;
- 8 2. Plaintiff's motion to strike is GRANTED as to Defendants' Sixth Affirmative  
9 Defense, which is STRICKEN with leave to amend and is DENIED as to  
10 Defendants' First, Second, Third, and Fourth Affirmative Defenses;
- 11 3. If Defendants desire to amend their Sixth Affirmative Defense, they SHALL do so  
12 within twenty-one (21) days of the date of service of this order; and
- 13 4. This case is referred back to the Magistrate Judge for further proceedings.

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15 IT IS SO ORDERED.

16 Dated: March 27, 2017

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

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<sup>1</sup> Plaintiff correctly notes that Defendants' First Amended Answer contained only six affirmative defenses, not twelve as noted in the F&R. This typographical error is of no consequence to the substantive analysis in the F&R.