

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

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KAMLESH BANGA,

Plaintiff,

No. CIV S-08-1518 LKK EFB PS

vs.

ALLSTATE INSURANCE COMPANY
and DOES 1 through 10 inclusive,

Defendants.

ORDER

_____ /

On March 1, 2011, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff and defendant filed objections on March 14 and March 15, 2011, respectively. Defendant filed a reply to plaintiff's objections on March 21, 2011. Plaintiff filed a reply to defendant's objections on March 24, 2011. Those documents were considered by the undersigned.

This court reviews de novo those portions of the proposed findings of fact to which objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). As to any portion of the proposed findings of fact to which no objection has been made,

1 the court assumes its correctness and decides the motions on the applicable law. See Orand v.
2 United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are
3 reviewed de novo. See Britt v. Simi Valley Unified Sch. Dist., 708 F.2d 452, 454 (9th Cir.
4 1983).

5 The court has reviewed the applicable legal standards and, good cause appearing,
6 concludes that it is appropriate to adopt the proposed Findings and Recommendations in full.

7 Accordingly, IT IS ORDERED that:

8 1. The proposed Findings and Recommendations filed March 1, 2011, are

9 ADOPTED;

10 2. Defendant's motion to dismiss, Dckt. No. 41, is granted in part and denied in
11 part;


12 3. Defendant's motion to strike plaintiff's punitive damages claim is denied;

13 4. Plaintiff's request to file certain documents under seal is denied;

14 5. Plaintiff is directed to file, within seven days of the date of this order, a
15 redacted version of her declaration and supporting exhibits; and

16 6. Plaintiff is also directed to file, within fourteen days of the date of this order, a
17 fifth amended complaint that is consistent with this order, the March 1, 2011 findings and
18 recommendations, and this court's previous orders. The fifth amended complaint shall not set
19 forth any new claims.

20 DATED: March 30, 2011.

21
22 
23 LAWRENCE K. KARLTON
24 SENIOR JUDGE
25 UNITED STATES DISTRICT COURT
26