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

SCOTT JOHNSTON,

No. 2:09-cv-01353-MCE-CMK

Plaintiff,

v.

ORDER

CITY OF RED BLUFF, et al.,

Defendants.

\_\_\_\_\_ /

Plaintiff brings this civil action under the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. §§ 621-634, against the City of Red Bluff and various of its employees. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On February 13, 2013, the Magistrate Judge filed findings and recommendations herein (ECF No. 102) which were served on the parties and which contained notice that the parties may file objections within a specified time. Plaintiff filed timely objections to the findings and recommendations. (ECF No. 103.)


In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304(f), this Court has conducted a de novo review of this case. Having carefully reviewed the entire

1 file, the Court finds the findings and recommendations to be supported by the record and by  
2 proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The Findings and Recommendations (ECF No. 102) filed February 13,  
5 2013, are ADOPTED IN FULL;
- 6 2. Defendants' Motion for Summary Judgment (ECF No. 93) is construed as  
7 a motion for summary adjudication and, so construed, is GRANTED IN  
8 PART and DENIED IN PART;
- 9 3. Summary adjudication is GRANTED in favor of all individual Defendants  
10 on all claims; and
- 11 4. Summary adjudication is granted in favor of Defendant City of Red Bluff  
12 on all claims except Plaintiff's ADEA claim based on failure to promote,  
13 which shall proceed to trial.

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15 Date: April 26, 2013

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MORRISON C. ENGLAND, JR., CHIEF JUDGE  
19 UNITED STATES DISTRICT COURT  
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