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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed November 20, 2014, are adopted in full;
2. Defendants' motion to dismiss (ECF No. 139) is granted in part and denied in part as

follows:

- a. Defendants Pettigrew and Vira are dismissed from this action with prejudice;
- b. All claims against defendants Gayton, Ortega and Coyle based on events prior to November 20, 2008 are dismissed; and
- c. Defendants' motion is otherwise denied.

DATED: March 5, 2015

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE