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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KULWINDER KAUR, et al.,

Plaintiffs,

v.

RAKWINDER SINGH, et al.,

Defendants.

No. 2:13-cv-89-KJM-EFB

ORDER

Plaintiff's motion for entry of default judgment came on regularly for hearing before the assigned magistrate judge on December 3, 2014. The matter was referred to a United States Magistrate Judge as provided by Local Rule 302(c)(19) and 28 U.S.C. § 636(b)(1).

After receiving supplemental briefing, on September 10, 2015, the magistrate judge filed findings and recommendations, which contained notice to the parties that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiffs filed objections on September 24, 2015, and they were considered by the undersigned. These objections at their core dispute the magistrate judge's conclusion that the Washington Industrial Insurance Act (WIIA) applies to this action.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having studied the file, the court finds the findings and recommendations to be supported by the record and by proper analysis. The court

1 has previously concluded the WIAA applies in this action. It is therefore generally precluded from
2 reconsidering that issue, one “decided by the same court in the identical case.” *Sechrest v.*
3 *Ignacio*, 549 F.3d 789, 802 (9th Cir. 2008). The court has discretion to depart from its earlier
4 decision if “(1) the decision is clearly erroneous and its enforcement would work a manifest
5 injustice, (2) intervening controlling authority makes reconsideration appropriate, or
6 (3) substantially different evidence was adduced” *Minidoka Irrigation Dist. v. U.S. Dep’t of*
7 *Interior*, 406 F.3d 567, 573 (9th Cir. 2005). Plaintiffs have not shown a departure is warranted
8 here.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The Findings and Recommendations filed September 10, 2015, are adopted in
11 full; and
12 2. Plaintiffs’ application for default judgment (ECF No. 71) is denied.

13 DATED: September 30, 2015.

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17 UNITED STATES DISTRICT JUDGE
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