

United States District Court
For the Northern District of California

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

SAN FRANCISCO AESTHETICS AND
LASER MEDICINE INC,

Plaintiff,

v.

THE PRESIDIO TRUST,

Defendant.

No. C-07-05170 EDL

**ORDER REGARDING OBJECTIONS
AND RESPONSE TO REPORT AND
RECOMMENDATION**

On July 30, 2010, Magistrate Judge James issued a “Report & Recommendation Re: Amount Due Under Amended Stipulated Judgment” following this Court’s Order of Reference of Defendants’ “Request for Assistance of Magistrate Judge to Resolve Parties’ Dispute Re Computation of Amount Due Per Amended Stipulated Judgment” by this Court.

On August 13, 2010, the Presidio Trust filed an “Objection/Response” to the R&R, stating that it has no objections but asking for correction of one typographical error (the number “16” should be substituted for “1887” at page 5:1. Plaintiff has not responded to this point or disagreed with the Presidio Trust’s position, and the Court agrees that this portion of the Report & Recommendation shall be corrected as requested by the Presidio Trust when a final Order is issued.

Also on August 13, 2010, S.F. Aesthetics filed “Objections” pursuant to 28 U.S.C. § 636(b), Fed. R. Civ. P. 72(b) and Local Rule 72-3 briefly summarizing five alleged errors in the R&R. This Court “must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); see also 28 U.S.C. § 636(b)(1)(C). Local Rule 72-3 provides that “[a]ny objection filed pursuant to FRCivP 72(b) and 28 U.S.C. § 636(b)(1)(B) must be accompanied by a motion for de novo determination, specifically identifying the portions of the

1 Magistrate Judge’s findings, recommendation or report to which objection is made and the reasons
2 and authority therefor. . . . Civil L.R. 7-2 governs presentation and consideration of such motions
3 and objections.” Plaintiff’s Objections do not comply with Local Rule 72-3 because they are not
4 accompanied by a motion for de novo determination that complies with Local Rule 7-2 and do not
5 identify authority for the objections. Therefore, Plaintiff has not “properly objected to” the Report
6 & Recommendation, as is required for this Court to make a de novo determination.

7 The Court hereby Orders Plaintiff to comply with all applicable rules and file a properly
8 noticed motion for de novo review within five days of the date of this Order. The Presidio Trust
9 shall have 14 days to respond to Plaintiff’s motion

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IT IS SO ORDERED.

Dated: September 2, 2010



ELIZABETH D. LAPORTE
United States Magistrate Judge