| 1        | IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation                               |
|----------|-------------------------------------------------------------------------------------------------------------|
| 2        | (#110) entered on February 28, 2012, is adopted and accepted, and Defendant's Motion to Dismiss             |
| 3        | (#44) is <b>GRANTED</b> and Plaintiff's claim in Count V is <b>DISMISSED with prejudice</b> as to Defendant |
| 4        | Mason.                                                                                                      |
| 5        |                                                                                                             |
| 6        | IT IS SO ORDERED.                                                                                           |
| 7        | DATED this 28th day of March, 2012.                                                                         |
| 8        | Eldrihe                                                                                                     |
| 9        | Outono                                                                                                      |
| 10       | LARRY R. HICKS                                                                                              |
| 11       | UNITED STATES DISTRICT JUDGE                                                                                |
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