

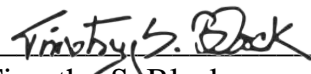


Accordingly:

1. The Report and Recommendation (Doc. 34) is **ADOPTED**; and
2. Defendant's motion for summary judgment (Doc. 25) is **DENIED**.

**IT IS SO ORDERED.**

Date: 11/20/17

  
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Timothy S. Black  
United States District Judge