

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

HARRY AND DAVID, an Oregon
Corporation,

Plaintiff,

Civ. No. 09-3056-CL

v.

ORDER

J&P ACQUISITION, a Delaware
Corporation, DONALD
HACHENBERGER, and GLENDA
HACHENBERGER,

Defendants.

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews the legal principles *de novo*. See *Lorin Corp. v Goto & Co., Ltd.*, 700 F.2d 1202, 1206 (9th Cir. 1983).

I have given this matter *de novo* review. Although Harry and


David is mistakenly referred to as a Delaware corporation on page 15, this error is harmless as it is not unreasonable that an Oregon corporation would agree to an out-of-state forum selection clause given the facts here. Accordingly, I ADOPT the Report and Recommendation of Magistrate Judge Clarke.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#28) is adopted. Defendants Donald Hachenberger's and Glenda Hachenberger's motion to dismiss (#19) is granted without prejudice, with leave to re-file against Defendants Hachenberger in Delaware. The claims against Defendant J&P Acquisition remain unchanged.

IT IS SO ORDERED.

DATED this 7 day of December, 2009.



OWEN M. PANNER
U.S. DISTRICT JUDGE