

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION

MICHELLE A. ELSEY and TOBY ELSEY,  
husband and wife,

1:12-cv-707-CL

**ORDER**

Plaintiffs,

v.

DR. DANIEL H. LAURY, et al.,

Defendants.

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**PANNER, District Judge:**

Magistrate Judge Mark D. Clarke has issued a Report and Recommendation (R&R), recommending that defendant Asante's motion for summary judgment be granted. Plaintiffs object to the R&R, so I review this matter de novo. See 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F. 2d

1309, 1313 (9th Cir. 1981). I agree with the R&R that Asante has shown it is entitled to summary judgment on plaintiffs' claim against it.

**CONCLUSION**

Magistrate Judge Clarke's Report and Recommendation (#47) is adopted. Defendant Asante's motion for summary judgment (#39) is granted.

IT IS SO ORDERED.

DATED this 16 day of October, 2013.

A handwritten signature in cursive script, reading "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER  
U.S. DISTRICT JUDGE