

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MATTHEW WILSON,

Plaintiff,

v.

DECIBELS OF OREGON, INC., and  
DENNIS SNYDER,

Defendants.

Case No. 1:16-cv-00855-CL

ORDER

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MCSHANE, Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation (“R&R”) (ECF No. 97), and the matter is now before this court. *See* 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Plaintiff filed objections to the R&R’s recommendation to deny Plaintiff’s summary judgment motion and to grant in part and deny in part Defendants’ summary judgment motion. ECF No. 99. Accordingly, I have reviewed the file of this case *de novo*. *See* 28 U.S.C. § 636(b)(1)(c); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9<sup>th</sup> Cir. 1981). I conclude the report is correct and adopt. It correctly identifies and details the questions of fact which precludes a court from granting a summary judgment motion.

Plaintiff’s summary judgment motion (ECF No. 76) is DENIED and Defendants’ summary judgment motion (ECF No. 72) is GRANTED in part and DENIED in part.

IT IS SO ORDERED.

DATED this 24th day of October, 2017.

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/s/ Michael J. McShane

Michael J. McShane  
United States District Judge

1 – ORDER