

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

DEB EVANS, RON SCHAAF, *et al.*

Case No. 1:19-cv-00766-CL  
**ORDER AND OPINION**

Plaintiffs,

vs.

FEDERAL ENERGY REGULATORY  
COMMISSION,

Defendant.

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AIKEN, District Judge:

Magistrate Judge Mark Clarke filed his Findings and Recommendations (“F&R”) (doc. 31) recommending that plaintiffs’ Motion for Summary Judgment (doc. 18) should be GRANTED, and defendant’s Motion for Summary Judgment (doc. 13) should be DENIED. This case is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge’s F&R, the district court must make a *de novo* determination of that portion of the magistrate

judge's report. See 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines, Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert denied*, 455 U.S. 920 (1982). Both parties filed timely objections (docs. 33, 34) and responses (docs. 35, 36). Thus, I review the F&R *de novo*.

Having considered the record and the arguments offered by the parties, the Court finds no error in Magistrate Judge Clarke's analysis. Therefore, the Court adopts the F&R (doc. 31) in its entirety. Thus, plaintiffs' Motion for Summary Judgment (doc. 18) is GRANTED, and defendant's Motion for Summary Judgment (doc. 13) is DENIED. Accordingly, defendant shall comply with plaintiffs' Freedom of Information Act, 5 U.S.C. § 552 et seq, request and release unredacted landowner lists.

IT IS SO ORDERED.

Dated this 27th day of May, 2020.

/s/Ann Aiken  
Ann Aiken  
United States District Judge