IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

Portland Division

LARRY DEWEESE and HOLLIS STRICKLAND

3:08-CV-860-JE

Plaintiff,

OPINION AND ORDER

v.

CASCADE GENERAL SHIPYARD,

Defendant.

PAUL M. OSTROFF Lane Powell, PC 601 S.W. 2nd Ave., Ste 2100 Portland, OR 97204 (503) 778-2100

P.K. RUNKLES-PEARSON VICTOR JOSEPH KISCH Stoel Rives LLP 900 S.W. 5th Ave., Ste 2600 Portland, OR 97204 (503) 224-3380

Attorneys for Plaintiff

1 - OPINION AND ORDER

On May 9, 2011, Magistrate Judge Jelderks issued a Findings and Recommendation (#96) recommending Defendant's Motion for Summary Judgment (#52) be granted in part and denied in part. The matter is before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

If any party objects to any part of a Magistrate Judge's Findings and Recommendation, the district court must review that part of <u>de novo</u>. 28 U.S.C. § 636(b)(1)(C); <u>McDonnell Douglas</u> <u>Corp. v. Commodore Business Machines, Inc.</u>, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Plaintiffs and Defendant filed timely objections to parts of the Findings and Recommendation. On *de novo* review, I concur in each of the Magistrate Judge's Findings and his Recommendation and, therefore, I ADOPT his Findings and Recommendation (#96).

Defendant's Motion for Summary Judgment (#52) is **GRANTED in part** and **DENIED in part** as set forth therein.

IT IS SO ORDERED.

DATED this 1 day of August, 2011.

/s/ Malcolm F. Marsh Malcolm F. Marsh United States District Court Judge