

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

**W. BRAND BOBOSKY, and WE NOT  
ME, LTD.,**

Civil No. 10-630-PK

Plaintiffs,

O R D E R

v.

**ADIDAS AG d/b/a THE ADIDAS GROUP,  
ADIDAS AMERICA, INC., 180LA, LLC,  
NBA PROPERTIES, INC., NBA MEDIA  
VENTURES, LLC, BANNER SEVENTEEN  
LLC d/b/a THE BOSTON CELTICS, and  
KEVIN GARNET,**

Defendants.

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KING, Judge:

The Honorable Paul Papak, United States Magistrate Judge, filed Findings and Recommendation on October 8, 2010. Defendants filed timely objections to the Findings and Recommendation.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). This court has, therefore, given de novo review of the rulings of Magistrate Judge Papak.

This court ADOPTS the Findings and Recommendation of Magistrate Judge Papak (#81) dated October 8, 2010 in its entirety.

IT IS HEREBY ORDERED that defendants' motions to dismiss (#20, #35, #67) are granted as to plaintiffs' declaratory judgment claim and denied as to plaintiffs' remaining claims. Plaintiffs may file a Third Amended Complaint stating facts as to their declaratory judgment claim. Plaintiffs' motion to dismiss or transfer venue (#69) is denied.

DATED this 18<sup>th</sup> day of November, 2010.

/s/ Garr M. King

GARR M. KING  
United States District Judge