

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PROVIDENCE HEALTH PLAN, an
Oregon nonprofit corporation,

03:11-cv-06273-HU

Plaintiff,

ORDER

v.

WILLIAM SKYLES, and KATHRYN E.
JACKSON,

Defendants.

MARSH, Judge

On April 9, 2012, Magistrate Judge Dennis J. Hubel issued a Findings and Recommendation recommending that Jackson's Motion to Dismiss be granted, and Skyles' Motion to Dismiss be granted in part and denied in part. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

Plaintiff has filed timely objections (#34), essentially renewing arguments presented in its briefing to Judge Hubel. Defendant Skyles also filed timely objections (#33), largely echoing arguments previously presented to Judge Hubel. All the parties have submitted responses to those objections. (#35, 36,

37.) When a party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate's report. See 28 U.S.C. § 636(b)(1)(B); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

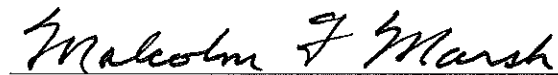
The court has given the file of this case a *de novo* review, and also has carefully evaluated the Magistrate Judge's Findings and Recommendation, the parties' objections, and the record of the case. The Findings and Recommendation is well-reasoned, without error, and adopted in its entirety.

CONCLUSION

Accordingly, I ADOPT Magistrate Judge Hubel's Finding and Recommendation (#31). IT IS ORDERED that defendant Jackson's motion to dismiss (#15) is GRANTED, and defendant Skyles' motion to dismiss (#16) is GRANTED in part, and DENIED in part.

IT IS SO ORDERED.

DATED this 15 day of JUNE, 2012.


Malcolm F. Marsh
United States District Judge