

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ROBIN DEAN,

No. 3:12-cv-01875-PK

Plaintiff,

ORDER

v.

SAFEWAY, INC.,

Defendant.

Kerry M. L. Smith
SMITH & FJELSTAD
725 N. Main Ave.
Gresham, OR 97030

Attorney for Plaintiff

Lisa C. Brown
BULLARD LAW
200 SW Market Street, Suite 1900
Portland, OR 97201

Attorney for Defendant

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1 - ORDER

HERNANDEZ, District Judge:

Magistrate Judge Papak issued a Findings and Recommendation (#48) on August 7 2014, in which he recommends that the Court should grant in part and deny in part Defendant's Motion for Summary Judgment. Defendant timely filed objections to the Findings and Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

I have carefully considered Defendant's objections and conclude that the objections do not provide a basis to modify the recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no error in the Magistrate Judge's Findings and Recommendation.

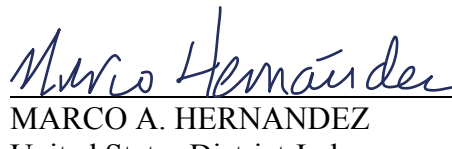
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CONCLUSION

The Court adopts Magistrate Judge Papak's Findings and Recommendation (# 48). Therefore, Defendant's Motion for Summary Judgment (#20) is denied with respect to Plaintiff's first, second, third, fourth, fifth, and sixth claims for relief, and granted with respect to Plaintiff's seventh claim for relief. Plaintiff has voluntarily abandoned his eighth claim for relief.

IT IS SO ORDERED.

DATED this 18 day of November, 2017.


MARCO A. HERNANDEZ
United States District Judge