

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JAIRO ELIAS ALVAREZ, et al.,

Plaintiff,

No. 03-13-cv-00494-ST

v.

CHARTER CONSTRUCTION, INC.,
et al.,

ORDER

Defendant.

HERNANDEZ, District Judge:

Magistrate Judge Stewart issued a Findings & Recommendation (#54) on September 9, 2013, in which she recommends the Court grant Plaintiffs' motions for default judgment against Defendant Old Star Construction, Inc. and Defendant Manny G. Construction, Inc., and enter judgments as set forth in Plaintiffs' proposed forms of judgment.

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record *de novo*. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt,

1 - ORDER

840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, I adopt the Magistrate Judge's recommendation with the following additional comments.

The record at the time Magistrate Judge Stewart filed her Findings & Recommendation showed that Orders of Default had been entered against Defendants Old Star Construction and Manny G. Construction as to the originally filed Complaint. After those Orders of Default were filed, Plaintiffs filed a First Supplemental Complaint. Although the First Supplemental Complaint did not change the allegations against Defendants Old Star Construction and Manny G. Construction, the First Supplemental Complaint became the operative pleading upon its filing and the previously entered Orders of Default did not apply to the First Supplemental Complaint.

The issue was brought to the attention of counsel in a September 27, 2013 Order [Dkt #56]. Subsequently, Plaintiffs served Defendants Old Star Construction and Manny G. Construction with the First Supplemental Complaint. See Dkt #57. Orders of Default against these two Defendants as to the First Supplemental Complaint were entered on October 30, 2013 [Dkt #66].

Now that the record shows that these Defendants have been served with the operative pleading and that Orders of Default have been entered against them, I adopt Magistrate Judge Stewart's Findings & Recommendation and grant Plaintiffs' Motions for Default Judgment.

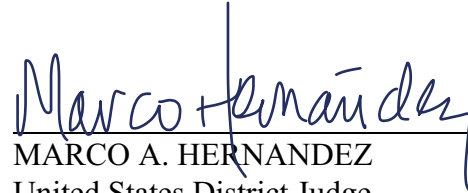
CONCLUSION

The Court ADOPTS Magistrate Judge Stewart's Findings & Recommendation [54]. Accordingly, Plaintiffs' Motions for Default Judgments against Defendant Old Star Construction, Inc. [32] and against Defendant Manny G. Construction [38], are granted. The proposed Default

Judgments submitted by Plaintiffs will be signed and filed.

IT IS SO ORDERED.

DATED this 4th day of NW, 2013.


MARCO A. HERNANDEZ
United States District Judge