

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SD HOLDINGS, LLC, a Washington
limited liability company,

Plaintiff,

No. 3:13-cv-01296-AC

v.

ORDER

AIRCRAFT OWNERS AND PILOTS
ASSOCIATION, Inc., a New Jersey
corporation,

Defendant.

HERNÁNDEZ, District Judge:

Magistrate Judge John V. Acosta issued a Findings & Recommendation [42] on April 24, 2014, recommending that Aircraft Owners and Pilots Association's ("AOPA") motion to dismiss under Federal Rule of Civil Procedure ("Rule") 12(b)(2) for lack of personal jurisdiction be granted and the case dismissed without prejudice to refiling in another district. Magistrate Judge Acosta also recommended that the AOPA's motion for Rule 11 sanctions be denied as moot without prejudice to refiling such a motion should SD Holdings fail to refile this action in the

proper jurisdiction. SD Holdings timely filed objections to the personal jurisdiction portion of Judge Acosta's Findings & Recommendation, and the matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b).

When any party objects to any portion of a Magistrate Judge's Findings & 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).

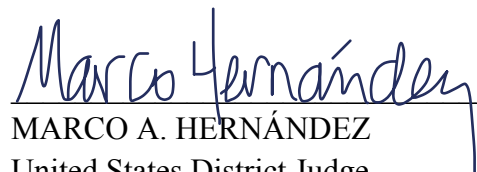
I have carefully considered SD Holdings' objections and conclude there is no basis to modify the Findings & Recommendation. At AOPA's request, I have "take[n] into account the factual circumstances of SD [Holdings'] lawsuit" and found no basis for modifying Magistrate Judge Acosta's Findings and Recommendation regarding Rule 11 sanctions. I have reviewed the pertinent portions of the record *de novo* and find no other errors in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Acosta's Findings & Recommendation [42], and therefore, the Association's motion to dismiss for lack of personal jurisdiction [13] is granted. The Association's motions for Rule 11 sanctions is denied [26] as moot without prejudice to refiling.

IT IS SO ORDERED.

DATED this 12 day of July, 2014.


MARCO A. HERNÁNDEZ
United States District Judge