

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MAX ZWEIZIG,

No. 3:14-cv-00406-ST

Plaintiff,

ORDER

v.

TIMOTHY C. ROTE, a citizen of the state of Oregon; NORTHWEST DIRECT TELESERVICES, INC., an Oregon for-profit corporation; NORTHWEST DIRECT MARKETING OF OREGON, INC., an Oregon for-profit corporation; NORTHWEST DIRECT MARKETING, INC., an Oregon for-profit corporation; and DOES 1 through 10,

Defendant.

Linda L. Marshall
PMB 408
3 Monroe Parkway, Suite P
Lake Oswego OR 97035

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1 - ORDER

Shawn M. Sornson
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Attorneys for Plaintiff

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Attorney for Defendants

HERNÁNDEZ, District Judge:

Magistrate Judge Stewart issued a Findings and Recommendation [35] on August 7 2014, in which she recommends that the Court should grant in part and deny in part Defendants' Motion to Dismiss. Defendants 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 Defendants' 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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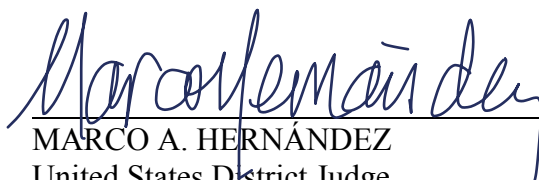
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CONCLUSION

The Court adopts Magistrate Judge Stewart's Findings and Recommendation [35]. Therefore, Defendants' Motion to Dismiss [19] is denied with respect to Plaintiff's first and second claims for relief, and granted with respect to Plaintiff's third claim for relief, which is dismissed with leave to amend.

IT IS SO ORDERED.

DATED this 16 day of Dec, 2011.


MARCO A. HERNÁNDEZ
United States District Judge