

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

EVELYN CARRION,

No. 03:14-cv-00454-PK

Plaintiff,

v.

KEEN, INC ., a foreign business
corporation,

ORDER

Defendant.

HERNANDEZ, District Judge:

Magistrate Judge Papak issued a Findings & Recommendation (#63) on October 16, 2015, in which he recommends the Court grant in part and deny in part Defendant's motion for partial summary judgment. Plaintiff and Defendant have timely filed objections to the Findings & 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 & 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 both parties' objections and conclude there is no basis to modify the Findings & Recommendation. I have also 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 Papak's Findings & Recommendation [63], and therefore, Defendant's motion for partial summary judgment [48] is granted as to Plaintiff's fourth claim for relief (whistleblower retaliation) to the extent that claim is based on an alleged violation of O.R.S. 659A.230, and further granted as to Plaintiff's fifth claim for relief (common law wrongful discharge) to the extent it is premised on her threatening to file a BOLI complaint. The motion is otherwise denied.

IT IS SO ORDERED.

DATED this 20 day of December, 2015.



MARCO A. HERNANDEZ
United States District Judge