

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHAEL MAKANEOLE, individually
and on behalf of all similarly
situated,

3:14-CV-01528-PK

ORDER

Plaintiff,

v.

SOLARWORLD INDUSTRIES AMERICA,
INC.; SOLARWORLD INDUSTRIES
AMERICA, LP; SOLARWORLD
INDUSTRIES SERVICES, LLC;
SOLARWORLD POWER PROJECTS,
INC., RANDSTAD PROFESSIONALS US,
LP, and KELLY SERVICES, INC.,

Defendants.

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and
Recommendation (#126) on September 2, 2016, in which he
recommends the Court grant in part and deny in part the Motion

1 - ORDER

(#79) to Compel Production of Documents of Plaintiff Michael Makaneole; grant in part and deny in part Plaintiff's Motion (#81) to Compel Interrogatory Responses; deny the Motion (#82) for Summary Judgment of Defendants Solarworld Industries America, Inc., Solarworld Industries America, LP, Solarworld Industries Services, LLC, and Solarworld Power Projects, Inc (collectively Solarworld); grant the Motion (#84) for Summary Judgment of Defendant Kelly Services, Inc.; grant in part and deny in part the Motion (#86) for Summary Judgment of Defendant Randstad US, LP; grant Kelly's Request (#119) for Judicial Notice; and grant Randstad's Request (#122) for Judicial Notice.

Solarworld, Randstad, and Plaintiff filed timely Objections to the Findings and Recommendation. The matter is now before this Court 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). See also *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*).

The Court has carefully considered the Objections of Solarworld, Randstad, and Plaintiff and concludes they do not provide a basis to modify the Findings and Recommendation. The

Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation

CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#126). Accordingly, the Court:

1. **GRANTS IN PART** and **DENIES IN PART** Plaintiff's Motion (#79) to Compel Production of Documents;
2. **GRANTS IN PART** and **DENIES IN PART** Plaintiff's Motion (#81) to Compel Interrogatory Responses;
3. **DENIES** Solarworld's Motion (#82) for Summary Judgment;
4. **GRANTS** Kelly's Motion (#84) for Summary Judgment;
5. **GRANTS IN PART** and **DENIES IN PART** Randstad's Motion (#86) for Summary Judgment;
6. **GRANTS** Kelly's Request (#119) for Judicial Notice; and
7. **GRANTS** Randstad's Request (#122) for Judicial Notice.

IT IS SO ORDERED.

DATED this 17th day of January, 2017.



ANNA J. BROWN
United States District Judge