IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MARY MCINTIRE,

                   Plaintiff,

      v.

SAGE SOFTWARE, INC., a foreign
business corporation, and MATRIX
ABSENCE MANAGEMENT, INC.,
a foreign business corporation,

                 Defendants.

No. 3:15-cv-00769-JE

ORDER

Benjamin Rosenthal
1023 SW Yamhill St., Ste. 200
Portland, OR 97205

      Attorney for Plaintiff

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1 - ORDER

Kelly S. Riggs
Ogletree Deakins Nash Smoak & Stewart P.C.
222 SW Columbia St., Ste. 1500
Portland, OR 97201

      Attorney for Defendant Matrix

HERNÁNDEZ, District Judge:

Magistrate Judge Jelderks issued a Findings & Recommendation [34] on September 28, 2015, in which he recommends the Court grant Defendant Matrix's motion to dismiss for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). Plaintiff has timely filed objections [37] 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 a 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 Plaintiff's 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 errors in the Magistrate Judge's Findings & Recommendation.

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2 - ORDER

CONCLUSION

The Court ADOPTS Magistrate Judge Jelderks' Findings & Recommendation [34], and therefore, Defendant Matrix's motion to dismiss [26] is granted. Plaintiff's Fourth Claim for Relief is dismissed with prejudice, and Defendant Matrix is dismissed. All other outstanding motions are denied as moot.

IT IS SO ORDERED.

Dated this 17 day of December, 2015.

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MARCO A. HERNÁNDEZ
United States District Judge