

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SACHA GILBERT,

No. 3:16-cv-00465-AC

Plaintiff,

ORDER

v.

NURTURE DEVELOPMENT, LLC,
NURTURE 247 LIMITED PARTNERSHIP,
and AMERICAN MANAGEMENT SERVICES
NORTHWEST, LLC dba PINNACLE, AN
AMERICAN MANAGEMENT SERVICES
NORTHWEST COMPANY,

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge Acosta issued a Findings and Recommendation [58] on November 19, 2018, in which he recommends that this Court: (1) grant in part and deny in part Defendants' Motion to Strike [41]; and (2) grant in part and deny in part Defendants' Motion for Summary Judgment [35]. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Plaintiff filed timely objections to the Magistrate Judge’s Findings & Recommendation. Pl. Obj., ECF 60. 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).

Plaintiff raises two objections to the F&R. First, Plaintiff argues that her claims against Defendants Nurture LLC and Pinnacle are not barred by judicial estoppel. Second, Plaintiff argues that her First and Tenth claims under the Fair Housing Act and Or. Rev. Stat. (“ORS”) § 659A.145 against Defendant Nurture 247 are not barred by the doctrine of claim preclusion. The Court agrees with Judge Acosta that Plaintiff’s claims against Defendants Nurture LLC and Pinnacle are barred by the doctrine of judicial estoppel. In addition, Plaintiff cited no evidence to support the merits of her reasonable accommodation claims in responding to Defendants’ motion for summary judgment. See F&R 5 (noting that “Plaintiff’s Response [did] not include any citations to the record”). Accordingly, after careful consideration of Plaintiff’s objections and de novo review of the pertinent legal principles and portions of the record, the Court concludes there is no basis to modify the Findings & Recommendation.

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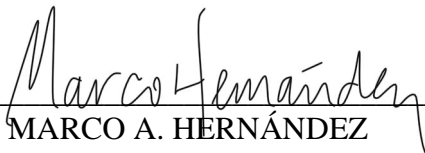
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CONCLUSION

The Court ADOPTS Magistrate Judge Acosta’s Findings and Recommendation [58]. Defendants’ Motion to Strike [41] is GRANTED in part and DENIED in part, and Defendants’ Motion for Summary Judgment [35] is GRANTED in part and DENIED in part. All claims against Defendants Nurture LLC and Pinnacle are dismissed with prejudice. The Court also dismisses Plaintiff’s First, Tenth, and Seventh Claims, and grants Defendants summary judgment on Plaintiff’s Second, Third, Sixth, Eighth, and Ninth claims. Plaintiff is granted summary judgment on her Fourth claim.

IT IS SO ORDERED.

DATED this 1 day of April, 2019.



MARCO A. HERNÁNDEZ
United States District Judge