

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DONNA THAMES and COLUMBIA BAR  
& GRILL INC., an Oregon Corporation, dba  
EXOTICA,

Plaintiff,

No. 3:16-CV-01634-PK

v.

ORDER

CITY OF PORTLAND, a municipal  
corporation; STEVEN MARKS, JOHN  
ECKHART; DAVID LUSTER; JEFFREY  
BELL; SHANNON HOFFEDITZ; DAN  
MCNEAL; MIKE BOYER; MERLE  
LINDSEY; MARK KRUGER; and  
JASON TALLMADGE,

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge Papak issued a Findings and Recommendation [93] on March 6, 2018, in which he recommends that this Court grant in part and deny in part the Motion to Strike [72] filed by Defendants Eckhart, Hoffeditz, Lindsey, Marks, McNeal, and Tallmadge (“OLCC

Defendants”), deny the Motion to Dismiss [72] filed by OLCC Defendants, and deny the Motion to Dismiss [74] filed by Defendants Kruger and Boyer (“City Defendants”). 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).

Defendants filed timely objections to the Magistrate Judge’s Findings & Recommendation. City Def. Obj., ECF 98; OLCC Def. Obj., ECF 97. 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).

The Court has carefully considered Defendants’ objections and concludes there is no basis to modify the Findings & Recommendation. The Court has also reviewed the pertinent portions of the record de novo and finds no error in the Magistrate Judge’s Findings & Recommendation.

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## CONCLUSION

The Court ADOPTS Magistrate Judge Papak's Findings and Recommendation [93].  
OLCC Defendants' Motion to Strike [72] is denied to the extent that it addresses ¶ 44.  
Otherwise, the Motion to Strike is granted. OLCC Defendants' Motion to Dismiss [72] is  
denied. City Defendants' Motion to Dismiss [74] is also denied. Plaintiff shall have ten days  
from the date of this Order to file a second amended complaint consistent with Judge Papak's  
Findings & Recommendation regarding OLCC Defendants' Motion to Strike.

IT IS SO ORDERED.

DATED this 7 day of June, 2018.



MARCO A. HERNÁNDEZ  
United States District Judge