

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**PEDRO DOMION, ASHLEY DOMION AND
ASHLEY DOMION AS GUARDIAN *AD*
LITEM FOR NICHOLAS DOMION, a minor,**

Plaintiff,

v.

**TRIQUINT SEMICONDUCTOR, INC., a
Delaware corporation,**

Defendant.

No. 3:16-cv-01852-SB

OPINION AND ORDER

MOSMAN, J.,

On June 11, 2018, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (F&R) [70], recommending that I should GRANT Defendant's Motion to Dismiss [59] only as to Plaintiff Parents' Count Five claims for parental loss of consortium and emotional distress damages and that I should otherwise DENY Defendant's Motion to Dismiss. Neither party objected.

DISCUSSION


The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to

make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Beckerman's recommendation and I ADOPT the F&R [70] in full. I GRANT Defendant's Motion to Dismiss only as to the Plaintiff Parents' Count Five claims for parental loss of consortium and emotional distress damages, and I otherwise DENY Defendant's Motion to Dismiss.

IT IS SO ORDERED.

DATED this 9th day of July, 2018.


MICHAEL W. MOSMAN
Chief United States District Judge