

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

**THE ESTATE OF MARJORY GAIL  
THOMAS OSBORN-VINCENT,**

No. 3:16-cv-02305-YY

**OPINION AND ORDER**

Plaintiff,

v.

**AMERIPRISE FINANCIAL SERVICES,  
INC. et al.,**

Defendants.

**MOSMAN, J.,**

On May 19, 2023, Magistrate Judge Youlee Yim You issued her Findings and Recommendations (“F&R”) [ECF 258] recommending that I deny Defendants’ Motion for Attorney Fees [ECF 237], deny Plaintiff’s Motion for Sanctions [ECF 239], as amended by Plaintiff’s Motion to Amend/Supplement [ECF 243], and reserve decision on Defendants’ Motion for Costs [ECF 237]. No objections were filed. Upon review, I agree with Judge You, and I DENY Defendants’ Motion for Attorney Fees and Plaintiff’s Motion for Sanctions, as amended by Plaintiff’s Motion to Amend/Supplement. Decision is reserved on Defendants’ Motion for Costs.

**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).

### CONCLUSION

Upon review, I agree with Judge You's recommendations, and I ADOPT the F&R [ECF 258] as my own opinion. I DENY Defendants' Motion for Attorney Fees [ECF 237] and Plaintiff's Motion for Sanctions [ECF 239], as amended by Plaintiff's Motion to Amend/Supplement [ECF 243]. Decision is reserved on Defendants' Motion for Costs [ECF 237]. IT IS SO ORDERED.

DATED this 28th day of July, 2023.

*Michael W. Mosman*  
MICHAEL W. MOSMAN  
Senior United States District Judge