

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

SHARON M. JEWETT, in her capacity as trustee of Michael R. Jewett Revocable Living Trust; **MICHAEL R. JEWETT**, in his capacity as trustee of Michael R. Jewett Revocable Living Trust; **MICHAEL R. JEWETT**; and **SHARON M. JEWETT**,

Plaintiffs,

v.

SCOTTSDALE INSURANCE COMPANY and **ALLIED INSURANCE COMPANY OF AMERICA**,

Defendants.

MOSMAN, J.,

On July 16, 2018, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (F&R) [21], recommending Plaintiffs' Motion to Remand [9] should be GRANTED and this case should be remanded to Multnomah County Circuit Court, and that Plaintiffs' request for reasonable attorney fees should be GRANTED, subject to this court's review of Plaintiffs' fee petition and any objections filed by Defendants. No objections were filed.

DISCUSSION

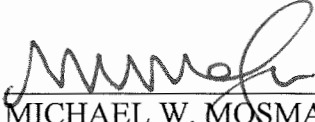
The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge,

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 You's recommendation and I ADOPT the F&R [21] in full. Plaintiffs' Motion to Remand [9] is GRANTED and this case is remanded to Multnomah County Circuit Court. Plaintiffs' request for reasonable attorney fees should be GRANTED, subject to this court's review of Plaintiffs' fee petition and any objections filed by Defendants. Plaintiffs are ordered to file a fee petition within two weeks of final ruling on this motion.

IT IS SO ORDERED.

DATED this 8th day of August, 2018.


MICHAEL W. MOSMAN
Chief United States District Judge