

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JOHN J. SURINA, JR., trustee of the Elizabeth Sophia Surina Trust and Nicholas William Surina Trust; BRUCE LANDREY, an individual; PAUL LORENZINI, an individual; RICHARD SANDVIK, an individual; EDWARD G. WALLACE, an individual; JACK A. BAILEY, an individual; GARY CARL BARBOUR, an individual; PAUL D. BENNETT, an individual; JAMES E. CARTER, an individual; CHARLES MARCINKIEWICZ, trustee of the Charles & Kathleen Marcinkiewicz Trust; MICHAEL S. MCGOUGH, an individual; CHRISTOPHER RUNCKEL, an individual; and JOE CLAYTON TURNAGE, an individual; on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

NUSCALE POWER, LLC, an Oregon limited liability company; FLUOR ENTERPRISES, INC., a California corporation; JAPAN NUSCALE INNOVATION, LLC, a Delaware limited liability company; SARGENT & LUNDY NUHOLDINGS, LLC, an Illinois limited liability company,,

Defendants.

No. 3:22-cv-01410-YY

ORDER

HERNÁNDEZ, District Judge:

Magistrate Judge You issued a Findings and Recommendation on August 3, 2023, in which she recommends that this Court grant in part and deny in part Defendant NuScale's Motion to Dismiss (ECF 18), Defendant Flour's Motion to Dismiss (ECF 22), and Defendants JNI and S&L's joint Motion to Dismiss (ECF 21). F&R, ECF 53. 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).

Plaintiffs and Defendant NuScale Power, LLC filed timely objections to the Magistrate Judge's Findings and Recommendation. Pl. Obj., ECF 55; Def NuScale Obj., ECF 56. When any party objects to any portion of the Magistrate Judge's Findings and 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 the Plaintiffs' and Defendant NuScale Power, LLC's objections and concludes that there is no basis to modify the Findings and Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings and Recommendation.

### **CONCLUSION**

The Court adopts Magistrate Judge You's Findings and Recommendation [53]. Therefore, Defendant NuScale's Motion to Dismiss [18], Defendant Flour's Motion to Dismiss [22], and Defendants JNI and S&L's joint Motion to Dismiss [21] is granted in part and denied in part as set forth in Magistrate Judge You's Findings and Recommendation.

IT IS SO ORDERED.

DATED: November 13, 2023.

  
MARCO A. HERNÁNDEZ  
United States District Judge