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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ASHLEY MARIE ELLWOOD,

Civ. No. 07-6225-TC

Plaintiff,

ORDER

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

THE UNITED STATES OF AMERICA,

Third-party Plaintiff,

v.

HAYWARD BAKER, INC., a Delaware
Corp., and CHRISTOPHER DUSCHIK,

Third-party Defendants.

HAYWARD BAKER, INC., a Delaware
Corp.,

Fourth-party Plaintiff,

v.

ELTING INCORPORATED, an Oregon
Corp., et al.,

Fourth-Party Defendants.


Aiken, Chief Judge:

Magistrate Judge Coffin filed his Findings and Recommendation on August 13, 2009 and recommended granting Third-party defendant/Fourth-party plaintiff Hayward Baker Inc.'s and Fourth-party defendant Elting Incorporated's Motions for Summary Judgment, as well as the United States' Motions for Joinder and plaintiff's Motion to Amend. The matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No party has filed objections to the Findings and Recommendation, and I am relieved my obligation to give the factual findings de novo review. Lorin Corp. v. Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1982). Having reviewed the legal principles de novo, I find no error.

THEREFORE, I adopt Magistrate Judge Coffin's Findings and Recommendation (doc. 88). Accordingly, Third-party defendant/Fourth-party plaintiff Hayward Baker Inc.'s Motion for Summary Judgment (doc. 46), Fourth-party defendant Elting Incorporated's Motion for Summary Judgment (doc. 40) and the United States' Motions for Joinder (docs. 51, 52, and 63) are GRANTED for the reasons explained by Magistrate Judge Coffin. Plaintiff's claims against the United States are DISMISSED, and the third-party complaint and fourth-party complaints are DISMISSED without prejudice. Plaintiff's Motion for Leave to File Amended Complaint (doc. 72) is GRANTED.

Hayward Baker Inc.'s request for extension of deadlines if named as a first-party defendant is DENIED with leave to renew once an amended complaint is filed and the conferral requirements of L.R. 7.1 are met. IT IS SO ORDERED.

Dated this 23 day of September, 2009.



Ann Aiken
Chief United States District Judge