

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

MARYLYN PELKEY,

Case No. 6:17-cv-00399-TC
ORDER

Plaintiff,

vs.

NUSCALE POWER, LLC,

Defendant.

AIKEN, Judge:

On June 27, 2017, Magistrate Judge Coffin filed his Amended Findings and Recommendation (“F&R”) (doc. 28), recommending this Court deny defendant NuScale Power, LLC’s motion to dismiss. The F&R is now before me pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72. I review *de novo* those portions of the R&R to which objection is made. 28 U.S.C. § 636(b)(1)(C); *accord* Fed. R. Civ. P. 72(b)(3); *Holder v. Holder*, 392 F.3d 1009, 1022 (9th Cir. 2004). I find no error in Judge Coffin’s reasoning and agree that if the Amended Complaint is construed in plaintiff’s favor, she did not receive “unequivocal notice” that she was being fired until April 6, 2015. *Naton v. Bank of Cal.*, 649 F.2d 691, 695 (9th Cir. 1981). As a result, I cannot at this stage rule that plaintiff’s claims are barred by the statute of limitations. I

therefore ADOPT Judge Coffin's F&R (doc. 28) and DENY defendant's Motion to Dismiss (doc. 1).

IT IS SO ORDERED.

Dated this 16th day of August 2017.



Ann Aiken
United States District Judge