

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

EDUARADO ABUD-MENDOZA,

Plaintiff,

v.

ACCENTURE LLP, an Illinois limited
professional service limited liability
partnership; AETNA LIFE INSURANCE
COMPANY, AETNA U.S. HEALTHCARE;
and AETNA, INC., all Connecticut
corporations,

Defendants.

Case No. CIV 06-223-S-EJL

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

On November 20, 2006, Chief United States Magistrate Judge Larry M. Boyle issued a Report and Recommendation, recommending that Defendants' motion to dismiss be granted in part and denied in part, Plaintiff's motion for partial summary judgment be granted, Aetna Defendants' cross motion for summary judgment be denied, Plaintiff's motion for leave to file third affidavit be granted, the joint request to extend deadline for completing initial disclosures be granted, and that the stipulations contained in the second joint status report be approved.

Any party may challenge a Magistrate Judge's proposed recommendation regarding by filing written objections within ten days after being served with a copy of the magistrate's Report and Recommendation. 28 U.S.C. § 636(b)(1)(C). The district court must then "make a de novo determination of those portions of the report or specified proposed findings or

recommendations to which objection is made.” Id. The district court may accept, reject, or modify in whole or in part, the findings and recommendations made by the magistrate. Id.; see also Fed. R. Civ. P. 72(b). Neither side has filed objections to the report and recommendation. The Court has reviewed the report and recommendation, the parties’ motions, briefing, and the entire record in these matters. Based upon this review, the Court finds the report and recommendation has correctly decided the motions.

ORDER

Having conducted a *de novo* review of the Report and Recommendation, this Court finds that Magistrate Judge Boyle’s Report and Recommendation is well founded in law and consistent with this Court’s own view of the evidence in the record. Acting on the recommendation of Magistrate Judge Boyle, and this Court being fully advised in the premises, **IT IS HEREBY ORDERED** that the Report and Recommendation entered on November 20, 2006, (Docket No. 47), should be, and is hereby, **INCORPORATED** by reference and **ADOPTED** in its entirety.

THEREFORE, IT IS HEREBY ORDERED as follows:

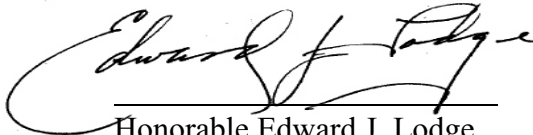
- 1) Defendants’ Motion to Dismiss (Dkt. No. 8) is **GRANTED**, in part, and Plaintiff’s state law claims (counts four through six) against both of the Aetna Defendants and Accenture are **HEREBY DISMISSED**. The motion to dismiss is **DENIED**, in part, on count three, as it relates to the Aetna Defendants. The motion to dismiss is **GRANTED** as to Accenture on count three.
- 2) Plaintiff’s Motion for Partial Summary Judgment (Dkt. No. 12) is **GRANTED**.
- 3) Aetna Defendants’ Cross Motion for Summary Judgment (Dkt. No. 25) is **DENIED**.
- 4) Plaintiff’s Motion for Leave to File Third Affidavit (Dkt. No. 38) is

GRANTED.

- 5) The parties' Joint Request to Extend Deadline for Completing Initial Disclosures to December 8, 2006 (Dkt. No. 46) is **GRANTED**.
- 6) The stipulations contained in the Second Joint Status Report (Dkt. No. 46) are **APPROVED**.
- 7) Plaintiff shall file its amended complaint on or before **January 31, 2007**.



DATED: **January 17, 2007**


Honorable Edward J. Lodge
U. S. District Judge