

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF IDAHO  
SOUTHERN DIVISION**

THE HEMINGWAYS CONDOMINIUM  
ASSOCIATION, INC.,

Plaintiff,

v.

SAVELLO, LLC,

Defendant.

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Case No. 1:19-cv-00414-SRB-WJE

**ORDER**

Before this Court is Magistrate Judge Willie J. Epps, Jr.'s Report and Recommendations (Doc. #23) denying Plaintiff Hemingways Condominium Association, Inc.'s Motion to Dismiss Count Two of Defendant's Counterclaim (Doc. #10). On January 15, 2020, Judge Epps issued his Report and Recommendations and advised the parties they could file written objections to the Report pursuant to 28 U.S.C. § 636(b)(1)(C) by January 29, 2020. Plaintiff filed an Objection to the Report and Recommendations on Motion to Dismiss on January 29, 2020. (Doc. #25).

After an independent review of the record, the applicable law, and the parties' arguments, the Court **ADOPTS** the Report and Recommendations. (Doc. #23). Accordingly, it is hereby **ORDERED** that Judge Epps' Report and Recommendations (Doc. #23) is adopted and shall be attached to and made part of this Order. Plaintiff's Objection to Report and Recommendations on Motion to Dismiss (Doc. #25) is **OVERRULED**, and Plaintiff's Motion to Dismiss Count Two of Defendant's Counterclaim (Doc. #10) is **DENIED**.

**IT IS SO ORDERED.**

/s/ Stephen R. Bough  
STEPHEN R. BOUGH  
UNITED STATES DISTRICT JUDGE

Dated: January 30, 2020