

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

RACHEL CENTARICZKI, an individual
and on behalf of all other similarly situated,

Plaintiff,

v.

GLEIBERMAN PROPERTIES, INC.;
KEELER PINE RUSSELLVILLE LLC;
CASTELLANO PINE RUSSELLVILLE
LLC; J MELLANO PINE
RUSSELLVILLE LLC; S&M MELLANO
PINE RUSSELLVILLE LLC; MG
RUSSELLVILLE COMMON
APARTMENTS HS LP; MG
RUSSELLVILLE COMMONS
APARTMENTS MS LP; and MG
RUSSELLVILLE COMMONS
APARTMENTS 235 LLC,

Defendants.

Case No. 3:24-cv-00127-AR

ORDER ADOPTING F&R

Troy Pickard, Portland Defender PC, 3759 NE MLK Jr. Blvd., Portland, OR 97212. Attorney for Plaintiff.

Billy Williams, Best Best & Krieger LLP, 360 SW Bond Street, Suite 400, Bend, OR 97702; and Clifford S. Davidson, Snell & Wilmer LLP, 601 SW 2nd Avenue, Suite 2000, Portland, OR 97204. Attorneys for Defendants.

IMMERGUT, District Judge.

This is a putative class action against owners and managers of residential properties in Oregon for allegedly charging tenants for utilities in violation of Oregon law. Defendants moved to dismiss under Federal Rules of Civil Procedure 8(a) and 12(b)(6), arguing that Defendants’ alleged conduct does not violate the statute in question as a matter of law. Magistrate Judge Armistead issued a Findings and Recommendation (“F&R”) recommending that this Court deny Defendants’ motion. ECF 22. Defendants object. ECF 27. Plaintiff responded. ECF 28.

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

This Court has reviewed de novo the portions of Judge Armistead’s F&R to which Defendants objected. Judge Armistead’s F&R, ECF 22, is ADOPTED in full. This Court GRANTS Defendants’ Motion for Judicial Notice, ECF 15, and DENIES Defendants’ Motion to Dismiss, ECF 13.

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IT IS SO ORDERED.

DATED this 28th day of February, 2025.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge