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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

v.

GNLV CORP., *et al.*,

Defendants.

2:06-CV-1225-BES-PAL

**ORDER**

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Before the Court are Defendant’s Motion to Preclude Plaintiff From Adding Additional Class Members and Motion to Strike as Untimely the Inclusion of Leroy Lee, L.C. Kennedy, Kelly Hawthorne and Romilda Sarant as Class Members (#38) filed on July 15, 2008, and Plaintiff U.S. Equal Employment Opportunity Commission’s (“EECO”) Emergency Motion for Leave to Take Additional Depositions and Request for Additional Time in Which to Take the Depositions (#39) filed on July 16, 2008. This action was referred to U.S. Magistrate Judge Peggy A. Leen pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4. The Magistrate Judge submitted her Report and Recommendation (#49) on September 9, 2008. Plaintiff filed an Appeal of and Objections to the Magistrate Judge’s September 8, 2008 Order (#50) on September 19, 2008 and on October 6, 2008 Defendants filed an Opposition to Plaintiff’s Appeal and Objection to the Magistrate Judge’s September 8, 2008 Order (#51).

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**I. ANALYSIS**

**A. Review of Magistrate Judge’s Order**

Any party may object to a magistrate judge's case dispositive proposed order, findings, or recommendations. 28 U.S.C. § 636(b)(1)(B); Fed.R.Civ.P. 72(b); LR 74.2. The district court must make a *de novo* determination of those portions of the magistrate judge's report to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. *Id.* De novo review means the court must consider the matter anew, the same as if it had not been heard before and as if no decision previously had been rendered. Ness v. Commissioner, 954 F.2d 1495, 1497 (9th Cir. 1992). Thus, although the district court need not hold a de novo hearing, the court's obligation is to arrive at its own independent conclusion about those portions of the magistrate judge's findings or recommendation to which objections are made. United States v. Remsing, 874 F.2d 614, 617 (9th Cir. 1989).

After conducting a *de novo* review of the record, the Court accepts and adopts the Magistrate Judge’s Recommendation (#49).

**III. Conclusion**

IT IS HEREBY ORDERED that Defendant’s Motion to Preclude Plaintiff from Adding Additional Class Members and Motion to Strike as Untimely the Inclusion of Leroy Lee, L.C. Kennedy, Kelly Hawthorne, and Romilda Sarant as Class Members (#38) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff’s Emergency Motion for Leave to Take Additional Depositions and Request for Additional Time in Which to Take the Depositions (#39) is GRANTED to the extent the EEOC is granted leave to take the eight additional depositions of the individuals identified in the motion and given an extension subject to the discretion of the Magistrate Judge. The EEOC’s request to “reserve” two additional depositions is DENIED.

IT IS SO ORDERED.

DATED: This 28<sup>th</sup> day of October, 2008.



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UNITED STATES DISTRICT JUDGE