



Pearson et al v. Porch.com Inc. et al

2020 | Cited 0 times | D. Oregon | October 19, 2020

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

ADAM PEARSON, et al., Plaintiffs, v. PORCH.COM INC., a Delaware corporation, GOSMITH.COM INC., a Delaware corporation, MATTHEW EHRLICHMAN, CEO and co-founder of Porch.com Inc and CEO of GoSmith Inc, in his individual capacity, DARWIN WIDJAJA, CTO and co-founder of GoSmith Inc and VP of Porch.com Inc in his individual capacity, BRENTON MARRELLI, CEO and co-founder of GoSmith Inc in his individual capacity, Defendants.

Case No. 3:20-cv-00697-JR ORDER

IMMERGUT, District Judge.

On August 31, 2020, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (F&R), ECF 25, recommending that this Court grant the Motion to Dismiss filed by all Defendants, ECF 14, without prejudice and with leave to amend. Defendants timely filed objections to the F&R, ECF 27, and Plaintiffs filed a response to those objections, ECF 28.

This Court has reviewed de novo the portions of the F&R to which Defendants objected. For the following reasons, the Court adopts Judge Russo in part, as explained in this Order.

DISCUSSION

28 U.S.C. § 636(b)(1). If a party objects de

novo determination of those portions of the report or specified proposed findings or 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 to which no objections are addressed. See *Thomas v. Arn*, 474 U.S. 140, 149 50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) or preclude further review by the district judge, sua sponte, de novo or under another standard. *Thomas*, 474 U.S. at 154.

Judge Russo found that Plaintiffs did not sufficiently allege injury in fact to satisfy Article III standing. ECF 25 at 6 this portion of the F&R in full. Because constitutional standing is dispositive, this Court declines



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to address the remaining issues presented in the F&R. See *Fleck & Assocs., Inc. v. City of Phoenix*, 471 F.3d 1100, 1106 (9th Cir. 2006). Motion to Dismiss with leave to amend. Plaintiffs should file an amended complaint within 14

days of the issuance of this Order.

IT IS SO ORDERED. DATED this 19th day of October, 2020. /s/ Karin J. Immergut

Karin J. Immergut United States District Judge

