

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

Karen Testa, Plaintiff,)	
)	
v.)	
)	C.A. No. 1:18-cv-566-MSM-LDA
Salvatore Mancini Resource & Activity)	
Center, Inc., et. al.)	
Defendants.)	

MEMORANDUM AND ORDER

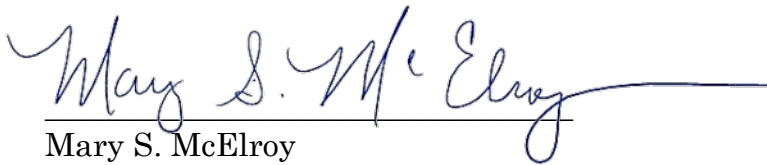
Mary S. McElroy, United States District Judge.

The matter before the Court is Defendants’ Limited Objection (ECF No. 25) to the Report and Recommendation of Magistrate Judge Lincoln D. Almond (ECF No. 24) (the “R&R”), concerning the Defendants’ Motion to Dismiss (ECF No. 16). The Defendants’ objection to the R&R claims that the Magistrate Judge was in error by holding that Count IX of the Complaint does not involve public employment decision-making and finding, therefore, that *Enquist v. Oregon Dep’t of Agric.*, 553 U.S. 591 (2008) is inapplicable.

The Court’s review of the R&R is pursuant to Rule 72(b)(3) of the Federal Rules of Civil Procedure. After reviewing the Motion to Dismiss (ECF No. 16), the Response in Opposition to the Motion to Dismiss (ECF No. 20), the Reply to the Response to the Motion to Dismiss (ECF No. 23), the R&R, the Objection to the R&R (ECF No. 25) the Response in Opposition to the Objection to the R&R (ECF No. 26) and the Reply to the Response to the Opposition to the Objection to the

R&R (ECF No. 28), the Court agrees with Magistrate Judge Almond's thorough and well-reasoned findings and recommendations. The Court accordingly ACCEPTS the R&R. Defendants' Motion to Dismiss (ECF No. 16) is GRANTED as to Count VIII. Count VIII is DISMISSED with prejudice. Defendants' Motion to Dismiss is otherwise DENIED as to all other counts.

IT IS SO ORDERED.

A handwritten signature in cursive script, reading "Mary S. McElroy", written over a horizontal line. The signature is fluid and extends to the right of the line.

Mary S. McElroy
United States District Judge

1/8/2020