

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

MARLYS SELL,)	CV-09-135-BLG-RFC
)	
Plaintiff,)	
)	
vs.)	
)	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS OF
AMERICAN FAMILY MUTUAL INSURANCE COMPANY,)	U.S. MAGISTRATE JUDGE
)	
Defendants.)	
_____)	

On August 10, 2010, United States Magistrate Judge Carolyn Ostby entered Findings and Recommendation (*Doc. 34*) on Defendant’s Motion for Partial Summary Judgment (*Doc. 21*) as to the first-party bad faith claim alleged in Count II of the Complaint. Magistrate Judge Ostby recommends this Court grant the motion only with respect to Sell’s first-party common law bad faith claim and deny the motion in all other respects.

Upon service of a magistrate judge’s findings and recommendation, a party has 14 days to file written objections. 28 U.S.C. § 636(b)(1). The time for objection has now passed and no objections were filed. Although failure to object to a magistrate judge’s findings and recommendation waives all objections to the

findings of fact, *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999), this Court is not relieved of its burden to review *de novo* the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After a *de novo* review, the Court concludes Magistrate Judge Ostby's Findings and Recommendation (*Doc. 34*) are well-grounded in law and fact and are adopted in their entirety. Accordingly,

IT IS HEREBY ORDERED Defendant's Motion for Partial Summary Judgment (*Doc. 21*) is **GRANTED** as to Sell's first-party common law bad faith claim, but **DENIED** in all other respects.

The Clerk of Court shall notify the parties of the entry of this Order.

DATED the 31st day of August, 2010.

/s/ Richard F. Cebull
RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE