

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

FILED

AUG 13 2015

Clerk, U S District Court
District Of Montana
Billings

CHERYL WESTON,

Plaintiff,

vs.

AETNA LIFE INSURANCE
COMPANY,

Defendant.

CV 14-100-BLG-SPW

ORDER

Plaintiff Cheryl Weston brought this action against Defendant Aetna Life Insurance Company (“Aetna”) under the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 et seq. After reviewing cross motions for summary judgment, United States Magistrate Judge Carolyn Ostby issued Findings and Recommendations on July 20, 2015. Judge Ostby concluded that Aetna did not abuse its discretion by terminating Weston’s benefits under her long-term disability plan.

Pursuant to 28 U.S.C. § 636(b)(1), Weston had 14 days to file written objections after Judge Ostby’s Findings and Recommendations were filed. No objections were filed. When neither party objects, this Court still reviews Judge Ostby’s conclusions for clear error. Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v.*

Syrax, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendations, this Court does not find that Judge Ostby committed clear error.

Accordingly, IT IS HEREBY ORDERED:

1. Judge Ostby's Findings and Recommendations (Doc. 32) are ADOPTED IN FULL.

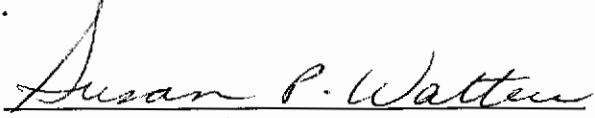
2. Weston's Motion for Summary Judgment (Doc. 22) is DENIED.

3. Aetna's Motion for Summary Judgment (Doc. 25) is GRANTED.

4. Aetna's decision discontinuing Weston's benefits is AFFIRMED.

5. The Clerk of Court shall close this case and enter judgment in favor of Aetna.

DATED this 12th day of August, 2015.


SUSAN P. WATTERS
United States District Judge