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



MICHELLE A. CUMMINGS,

Plaintiff,

CV 16-22-BLG-SPW-CSO

vs.

ORDER

BANK OF AMERICA, HOME LOANS, SAFEGUARD PROPERTIES, LLC, an Ohio Limited Liability Company, WIND & WATER, L.L.C., a Montana Limited Liability Company, DAVID H. COUCH, an Individual, and JOHN DOES A-Z,

Defendants.

Before the Court are United States Magistrate Judge Carolyn Ostby's Findings and Recommendations filed on September 15, 2016. (Doc. 51). Judge Ostby recommends that this Court deny Defendant Bank of America's Motion to Strike the class allegations. (Doc. 33).

Pursuant to 28 U.S.C. § 636(b)(1), the parties were required to file written objections within 14 days of the filing of Judge Ostby's Findings and Recommendations. No objections were filed. When neither party objects, this Court reviews Judge Ostby's Findings and Recommendations for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313

(9th Cir. 1981). 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.

IT IS ORDERED that the proposed Findings and Recommendations for disposition of this matter entered by United States Magistrate Judge Ostby (Doc. 26) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Bank of America's Motion to Strike the class allegations (Doc. 33) is DENIED.

DATED this 25 day of October, 2016.

SUSAN P. WATTERS

United States District Judge