

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

JOHN BENSON

CIVIL NO. 17-3839 (MJD/DTS)

Plaintiff,

v.

ORDERANN KEMSE, JON KEMSKE  
& BRIGHAM OIL & GAS, L.P.,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge David T. Schultz dated October 24, 2018. No objections have been filed to that Report and Recommendation in the time period permitted.

The Court, being duly advised in the premises, upon the Report and Recommendation of the Magistrate Judge, and upon all of the files, records and proceedings herein, now makes and enters the following Order.

## IT IS HEREBY ORDERED:

1. The Report and Recommendation [Docket No. 131] is ADOPTED in its entirety.
2. Plaintiff John Benson's Motion for Default Judgment [Docket No. 94] is DENIED.

3. Defendant Brigham Oil & Gas, L.P.'s Motion to Set Aside an Entry of Default and Dismiss the Complaint [Docket No. 98] is GRANTED. Brigham Oil & Gas, L.P. is DISMISSED as a Defendant in this lawsuit.

Dated: December 4, 2018

s/ Michael J. Davis

Hon. Michael J. Davis

United States District Court Judge