

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

FILED  
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PATRICK E. DUNN, CLERK  
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**SCOTT JENSEN** )  
 )  
 **Plaintiff,** )  
 )  
 **vs.** )  
 )  
 **BLACK HILLS TRUCKING, and** )  
 **HALLIBURTON ENERGY** )  
 **SERVICES, INC.,** )  
 )  
 **Defendants.** )  
 \_\_\_\_\_ )

**CV-06-41-BLG-RFC**

**ORDER ADOPTING FINDINGS  
AND RECOMMENDATIONS  
OF U.S. MAGISTRATE JUDGE**

On December 17, 2008, United States Magistrate Judge Carolyn Ostby entered her Findings and Recommendation with respect to Jensen's Motion for Partial Summary Judgment (*Doc. 83*) and Black Hills Trucking's Motion for Summary Judgment (*Doc. 103*). *Doc. 145*. Magistrate Judge Ostby recommends Jensen's motion be granted to the extent it seeks summary judgment on Black Hills' third and seventh affirmative defenses, but denied with respect to Black Hills' fourth and fifth affirmative defenses. Magistrate Judge Ostby further recommends that Black Hills' motion be denied in its entirety.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no

party filed objections to the December 17, 2008 Findings and Recommendation. 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). However, failure to object does not relieve this Court 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).

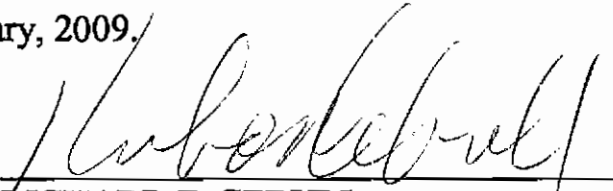
After an extensive review of the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** Jensen's Motion for Partial Summary Judgment (*Doc. 83*) is **GRANTED** with respect to Black Hills' third and seventh affirmative defenses, but **DENIED** in all other respects.

**IT IS FURTHER ORDERED** that Black Hills Trucking's Motion for Summary Judgment (*Doc. 102*) is **DENIED**.

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

DATED the 17<sup>th</sup> day of January, 2009.

  
\_\_\_\_\_  
RICHARD F. CEBULL  
UNITED STATES DISTRICT JUDGE