

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

**FILED**

FEB 06 2014

Clerk, U.S. District Court  
District Of Montana  
Helena

EARLINE COLE, as an individual and  
as personal representative of the  
ESTATE OF STEVEN BEARCANE,  
et al.,

Plaintiffs,

vs.

MATTHEW ORAVEC, in his  
individual capacity,

Defendant.

CV 09-21-BLG-SEH

**ORDER**

On January 23, 2014, United States Magistrate Judge Carolyn S. Ostby entered her Findings and Recommendations<sup>1</sup> on Defendant's Motion for Judgment on the Pleadings and for Partial Summary Judgment.<sup>2</sup> Defendant filed objections on February 4, 2014.<sup>3</sup> The Court reviews *de novo* findings and recommendations to which objections are made. 28 U.S.C. § 636(b)(1).

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<sup>1</sup> Doc. 119.

<sup>2</sup> Doc. 96.

<sup>3</sup> Doc. 121.

Upon *de novo* review of the record, I find no error in Judge Ostby's Findings and Recommendations and adopt them in full.

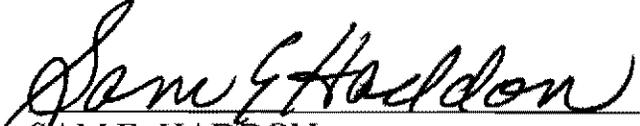
ORDERED:

1. Defendant's Motion for Judgment on the Pleadings and for Partial Summary Judgment (Doc. 119) is GRANTED, in part, and DENIED, as set forth in Judge Ostby's Findings and Recommendations, as follows:

A. Defendant's Motion for Judgment on the Pleadings respecting the Springfield claims is GRANTED.

B. Defendants Motion for Partial Summary Judgment respecting the Bearcrane claims is DENIED.

DATED this 6<sup>th</sup> day of February, 2014.

  
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SAM E. HADDON  
United States District Judge