

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

**FILED**  
OCT 23 2015  
Clerk, U.S. District Court  
District of Montana  
Billings

CASEY BENDURE,

Plaintiff,

vs.

STAR TARGETS, JUSTIN HARDY,  
TLD INDUSTRIES LLC, CABELA'S  
WHOLESALE, INC., ROLLING  
THUNDER PYROTECHNIC, CORP.  
and MACRAFT USA, LLC,

Defendants.

CV 14-89-BLG-SPW

OPINION and ORDER

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TLD INDUSTRIES LLC,

Third-Party Plaintiff,

Vs.

ROLLING THUNDER  
PYROTECHNIC, CORP. and  
MACRAFT USA,

Third-Party Defendants.

Plaintiff Casey Bendure brought this negligence action against Defendants Star Targets, Justin Hardy, TLD Industries, LLC, Cabela's Wholesale, Inc., Rolling Thunder Pyrotechnic, Corp. ("Rolling Thunder"), and Macraft USA, LLC ("Macraft"). (Doc. 4). United States Magistrate Judge Carolyn Ostby held a status conference on October 8, 2015. At the status conference, Plaintiff moved to dismiss Defendants Rolling Thunder and Macraft. The remaining Defendants did not object. Judge Ostby issued Findings and Recommendations, in which she recommends that this Court grant Plaintiff's motion to dismiss Rolling Thunder and Macraft.


Pursuant to 28 U.S.C. § 636(b)(1), any party 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. 73) are ADOPTED IN FULL.

2. Plaintiff's oral motion to dismiss is GRANTED. All claims stated in the Second Amended Complaint against Rolling Thunder and Macraft are DISMISSED without prejudice.

DATED this 23<sup>rd</sup> day of October, 2015.

  
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SUSAN P. WATTERS  
United States District Judge