

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

**FILED**

JAN 15 2016

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

JACK R. CLARK,

Plaintiff,

vs.

F.T. REYNOLDS CO., a Montana  
corporation,

Defendant.

CV 15-62-BLG-SPW-CSO

ORDER

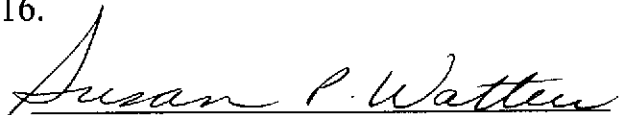
Before the Court are United States Magistrate Judge Carolyn Ostby's Findings and Recommendations filed on December 30, 2015. In the Findings and Recommendations, Judge Ostby recommends that this Court grant the Defendant's summary judgment motion and deny the Plaintiff's summary judgment motion.

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 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. 31) are ADOPTED IN FULL.
2. Plaintiff's Motion for Summary Judgment Regarding Liability as to All Claims (Doc. 16) is DENIED.
3. Defendant's Motion for Summary Judgment (Doc. 20) is GRANTED.
4. Count III remains pending for the sole purpose of determining expenses that the Defendant must pay for parking lot repairs.

DATED this 14<sup>th</sup> day of January, 2016.

  
SUSAN P. WATTERS  
United States District Judge