

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

FILED

OCT 23 2017

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

MAJESTIC HOMES, INC.,

Plaintiff,

vs.

ROSE HURT,

Defendants.

CV 16-08-BLG-SPW

ORDER

Before the Court is Plaintiff Majestic Home's motion for entry of final judgment pursuant to Federal Rule of Civil Procedure 58(d). Doc. 34. Majestic requests the Court enter judgment in the amount of \$163,328.49. Doc. 35 at 3.

Majestic is not entitled to entry of judgment in the amount of \$163,328.49 because damages remain an issue of fact. Majestic previously moved for summary judgment on its breach of contract claim. Doc. 16. Magistrate Judge Cavan's recommendation, adopted in full by this Court, clearly states "[a]t oral argument, counsel confirmed that Majestic is only moving for partial summary judgment on the issue of Hurt's liability for breach of contract. Majestic is not seeking entry of final judgment or a determination of damages at this time." Doc. 32 at 1-2.

Majestic's motion is denied. A scheduling order setting the case for trial will be set out by separate document.

DATED this 23rd day of October, 2017.



SUSAN P. WATTERS
United States District Judge