

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

FILED

JUN 12 2017

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

PREFERRED CONTRACTORS
INSURANCE COMPANY RISK
RETENTION GROUP, LLC,

Plaintiff,

vs.

AMTRUST NORTH AMERICA, INC.
and TECHNOLOGY INSURANCE
COMPANY, INC.,

Defendants.

MC 16-10-BLG-SPW-TJC

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATION

Before the Court are United States Magistrate Judge Timothy Cavan's Findings and Recommendation filed on May 24, 2017. (Doc. 20). Judge Cavan recommends that this Court deny Defendant Amtrust's request for costs and attorney fees. (Doc. 6).

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 Cavan's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews Judge Cavan's Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm

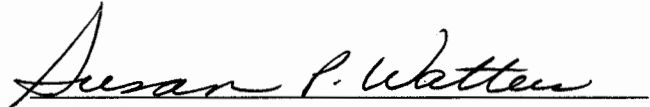
conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that Judge Cavan committed clear error.

IT IS ORDERED that the proposed Findings and Recommendation for disposition of this matter entered by United States Magistrate Judge Cavan (Doc. 20) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Amtrust’s request for costs and attorney fees (Doc. 6) is DENIED.

The Clerk of Court is directed to close this matter.

DATED this 12th day of June, 2017.


SUSAN P. WATTERS
United States District Judge