

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

**FILED**

NOV 27 2017

Clerk, U S District Court  
District Of Montana  
Billings

HOCHHALTER INC., doing business  
as Far West Casino,

Plaintiff,

vs.

DIAMOND STATE INSURANCE  
COMPANY and MONTANA  
CLAIMS SERVICE OF BILLINGS,  
INC.,

Defendants.

CV 17-30-BLG-SPW

ORDER ADOPTING  
MAGISTRATE'S FINDINGS  
AND RECOMMENDATIONS

Before the Court are United States Magistrate Judge Timothy Cavan's Findings and Recommendations filed on November 8, 2017. (Doc. 10). Judge Cavan recommends that this Court grant Hochhalter's motion for remand and deny Hochhalter's request for attorney fees. (Doc. 5).

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 Recommendations. No objections were filed. When neither party objects, this Court reviews Judge Cavan's Findings and Recommendations 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 Recommendations, this Court does not find that Judge Cavan committed clear error.


IT IS ORDERED that the proposed Findings and Recommendations entered by United States Magistrate Judge Cavan (Doc. 10) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Hochhalter’s motion for remand (Doc. 5) is GRANTED.

IT IS FURTHER ORDERED that Hochhalter’s request for attorney fees is DENIED.

The Clerk of Court shall remand this case to the appropriate state district court and close this matter.

DATED this 27<sup>th</sup> day of November, 2017.

  
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SUSAN P. WATTERS  
United States District Judge