

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

FILED

SEP 30 2019

Clerk, U S District Court
District Of Montana
Billings

CHARLES M. BUTLER, III and
CHOLE BUTLER

Plaintiffs,

vs.

UNIFIED LIFE INSURANCE
COMPANY; HEALTH PLANS
INTERMEDIARIES HOLDINGS,
LLC, doing business as Health
Insurance Innovations, Inc.; ALLIED
NATIONAL, INC.; NATIONAL
BROKERS OF AMERICA, INC.;
THE NATIONAL CONGRESS OF
EMPLOYERS, INC.; and DOES 1-10

Defendants.

CV 17-50-BLG-SPW

ORDER

The United States Magistrate Judge filed Findings and Recommendations on August 9, 2019. (Doc. 224). The Magistrate recommended the Court grant Unified Life Insurance Company's motion for entry of partial default judgment against National Brokers of America, Inc. (Doc. 224 at 5).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error.

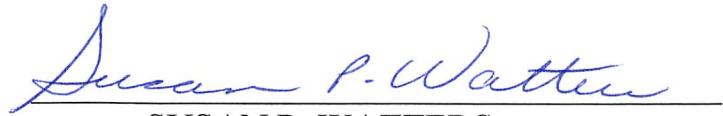
McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 224) are ADOPTED IN FULL.

IT IS FURTHER ORDERED Unified’s motion for entry of partial default judgment (Doc. 186) is GRANTED.

IT IS FURTHER ORDERED National Brokers of America (NBoA) is subject to a duty to defend and indemnify Unified from the common law claims asserted by the Plaintiffs. All remaining crossclaims and supplemental crossclaims of Unified against NBoA, including but not limited to monetary amounts to be paid by NBoA to Unified for defense and indemnity, are not disposed of by entry of this Partial Default Judgement and remain to be adjudicated. This Partial Default Judgment also does not adjudicate the claims or defenses of any other parties to this action.

DATED this 30th day of September 2019.



SUSAN P. WATTERS
United States District Judge