

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

FILED

JAN - 4 2017

Clerk, US District Court  
District of Montana - Billings

CHARLES M. BUTLER, III and  
CHLOE BUTLER,

Plaintiffs,

vs.

UNIFIED LIFE INSURANCE  
COMPANY; HEALTH PLANS  
INTERMEDIARIES HOLDINGS,  
LLC, doing business as Health  
Insurance Innovations, 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 ADOPTING  
MAGISTRATE'S FINDINGS  
AND RECOMMENDATIONS

Before the Court are United States Magistrate Judge Timothy Cavan's Findings and Recommendations filed on December 15, 2017. (Doc. 40).

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.

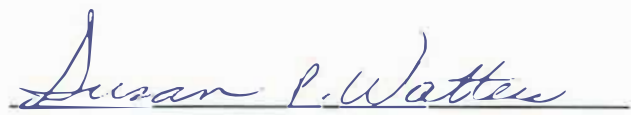
*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313

(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. 40) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that the motions to dismiss (Docs. 3, 5, and 19) filed by Defendants United Life, Allied National, and Health Insurance Innovations, Inc., and National Congress of Employers, Inc., are GRANTED IN PART and DENIED IN PART, and that Plaintiff’s Motion to Strike (Doc. 35) is GRANTED.

DATED this 4<sup>th</sup> day of January, 2018.

  
SUSAN P. WATTERS  
United States District Judge