

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

FILED

JUL 31 2019

Clerk, U S District Court
District Of Montana
Billings

WBI ENERGY TRANSMISSION,
INC.,

CV 18-88-BLG-SPW

Plaintiff,

vs.

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

SUBSURFACE EASEMENTS FOR
THE STORAGE OF NATURAL GAS
IN THE JUDITH RIVER
SUBTERRANEAN GEOLOGICAL
FORMATIN, et al.,

Defendants.

The United States Magistrate Judge filed Findings and Recommendations on July 8, 2019. (Doc. 71). The Magistrate recommended the Court grant Plaintiff WBI Energy's motion to strike and/or dismiss. (Doc. 71 at 11).

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. Commadore 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. 71) are ADOPTED IN FULL.

IT IS FURTHER ORDERED WBI Energy’s motion to strike and/or dismiss (Doc. 37) is granted.

IT IS FURTHER ORDERED Angela K. Heiser and Kelly J. Heiser’s Answer and Counterclaim is struck and the remaining Counterclaim Landowners’ counterclaims are dismissed without prejudice.

DATED this 30th day of July, 2019.



SUSAN P. WATTERS
United States District Judge