

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

THE CHARTER OAK FIRE
INSURANCE COMPANY,

Plaintiff,

vs.

JON SHERNER, et al.,

Defendant.

CV 22-132-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge Timothy Cavan filed Findings and Recommendations on December 29, 2023. (Doc. 43). The Magistrate recommended the Court grant Plaintiff The Charter Oak Insurance Company's Motion for Summary Judgment and deny Defendants Jon Sherner and Tracey Sherner's Motion for Summary Judgment. (*Id.* at 2).


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. 43) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Plaintiff The Charter Oak Insurance Company’s Motion for Summary Judgment (Doc. 17) is GRANTED and Defendants Jon Sherner and Tracey Sherner’s Motion for Summary Judgment (Doc. 24) is DENIED.

DATED this 16th day of January, 2024.



SUSAN P. WATTERS
United States District Judge