

FILED

AUG 21 2018

Clerk, U.S. District Court
District Of Montana
Helena

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

HELENA DIVISION

TINA McCOLL,

Plaintiff,

vs.

ALLIED PROFESSIONALS
INSURANCE COMPANY,

Defendant.

No. CV 17-40-H-SEH

ORDER

On August 6, 2018, United States Magistrate Judge Timothy J. Cavan issued Findings and Recommendation granting Defendant Allied Professionals Insurance Company’s (“AIC”) Motion for Partial Summary Judgment (1) Misrepresentation; (2) Licensed Adjustor¹ and granting in part and denying in part

¹ Doc. 52.

Plaintiff's Motion to Join Party and for Leave to Move to Reinstate Judgment.² No objections to the Findings and Recommendation were filed. No review is required of proposed findings and recommendations to which no objection is made.³ The Court nevertheless will review Judge Cavan's Findings and Recommendation for clear error.

Upon review of the record, the Court finds no clear error and accepts and confirms Judge Cavan's recommendation on: (1) AIC's motion for partial summary judgment and; (2) Plaintiff's motion for joinder by amended complaint permitting: (a) Plaintiff to file the proposed Second Amended Complaint naming American Naturopathic Council ("ANC") as a defendant; and (b) denying Plaintiff's request to file a motion to reinstate default judgment against ANC.

ORDERED:

1. AIC'S Motion for Partial Summary Judgment (1) Misrepresentation; (2) Licensed Adjustor⁴ is GRANTED.
2. Plaintiff's Motion to Join Party is GRANTED.⁵

² Doc. 74.

³ *Thomas v. Arn*, 474 U.S. 140, 149-152 (1986).

⁴ Doc. 52.

⁵ Doc. 74.

3. Plaintiff's Motion for Leave to Move to Reinstate Judgment is DENIED.⁶

DATED this 21st day of August, 2018.



SAM E. HADDON
United States District Judge

⁶ Doc. 74.