

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

MISSOULA DIVISION

MICHAEL PETERSON,)	CV 11-81-M-DWM-JCL
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
TIME INSURANCE COMPANY,)	
ASSURANT HEALTH,)	
JOHN ALDEN LIFE INSURANCE)	
COMPANY, AETNA US HEALTH)	
CARE, AETNA HEALTH & LIFE)	
INSURANCE COMPANY,)	
AND JOHN DOES 1, 2, & 3,)	
)	
Defendants.)	
_____)	

The plaintiff, Michael Peterson, filed a complaint against the defendants on May 5, 2011, alleging various insurance related claims. On September 22, 2011, Aetna Health & Life Insurance Company moved to dismiss Mr. Peterson’s complaint, under Federal Rule of Civil Procedure 12(b)(6), for failure to state a claim on which relief may be granted. (Dkt # 31). Aenta moved alternatively for a more definite statement under Federal Rule of Civil Procedure 12(e). Id.

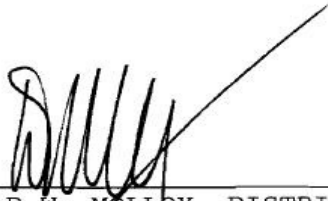
Magistrate Judge Jeremiah Lynch issued his findings and recommendation on November 1, 2011. (Dkt # 46). Judge Lynch recommended denying Aetna’s

motion. Id. Aetna did not file any objections to Judge Lynch's findings and recommendation. Accordingly, the Court reviews the findings and recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981).

The Court agrees with Judge Lynch's findings and recommendation and adopts them in whole. Mr. Peterson has adequately stated a claim under Ashcroft v. Iqbal, 129 S. Ct. 1937 (2009) and Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007). Alternatively, the Court denies the motion for a definite statement because Aetna has either already obtained the information it seeks or it can obtain that information through discovery. See C.B. v. Sonora Sch. Dist., 691 F. Supp. 2d 1170, 1191 (E.D. Cal. 2010).

Accordingly, IT IS HEREBY ORDERED that Aetna Health & Life Insurance Company's motion to dismiss, or in the alternative for a more definite statement, (dkt # 31) is DENIED.

DATED this 23rd day of November 2011.



DONALD W. MOLLOY, DISTRICT JUDGE
UNITED STATES DISTRICT COURT
