

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA,
BILLINGS DIVISION**

**United States, for the use of, Whitetail General Constructors, LLC, a
Montana limited liability company v. Northcon, Inc., an Idaho
corporation, and Nationwide Mutual Insurance Company, an Ohio
corporation**

Whitetail General Constructors · No. CV 24-64-BLG-SPW · Decided February 18, 2026

OPINION

United States, for the use of, Whitetail General Constructors, LLC, a Montana limited liability company v. Northcon, Inc., an Idaho corporation, and Nationwide Mutual Insurance Company, an Ohio corporation

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

UNITED STATES, for the use of,

WHITETAIL GENERAL CV 24-64-BLG-SPW

CONSTRUCTORS, LLC, a Montana limited liability company,

ORDER ADOPTING

Plaintiff, FINDINGS AND

RECOMMENDATION

vs. NORTHCON, INC., an Idaho corporation, and NATIONWIDE

MUTUAL INSURANCE COMPANY,

an Ohio corporation, Defendants. This contract case comes before the Court on Defendants' Motion for Summary Judgment (Doc. 35) and Plaintiffs Motion for Partial Summary Judgment (Doc. 42). United States Magistrate Judge Kathleen L. DeSoto entered her Findings and Recommendation (Doc. 65) on February 2, 2026, in which she recommends: (1) granting Defendants' Motion as to Count 4 and denying it in all other respects, and (2) denying Plaintiff's Motion.

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of a magistrate judge's findings and recommendation. Here, no objections were filed. When neither party objects, the district court reviews for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if "the reviewing court . . . is left with the definite and firm conviction that a mistake has been

committed.” United States v. U.S. Gypsum Co., 333 U.S. 364, 395 (1948). After review, the Court agrees with Judge DeSoto’s analysis and conclusions and finds no clear error. Accordingly, IT IS HEREBY ORDERED that the Findings and Recommendation (Doc. 65) are ADOPTED in full. IT IS FURTHER ORDERED that:

(1) Defendants’ Motion for Summary Judgment (Doc. 35) is GRANTED

as to Count 4 and DENIED in all other respects.

(2) Plaintiffs Motion for Partial Summary Judgment (Doc. 42) is

DENIED. DATED this 16 Fie of February, 2026. Loewe SUSAN P. eth United States District Judge