

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

O BAR CATTLE CO., a Utah d/b/a of Jerry
Goodwin,

Plaintiff,

v.

OWYHEE FEEDERS, INC., an Idaho
corporation,

Defendant.

Case No. CV08-149-S-EJL-CWD

ORDER

AND RELATED COUNTERCLAIMS

On January 31, 2011, United States Chief Magistrate Judge Candy W. Dale issued a Report and Recommendation, recommending that both Plaintiff's and Defendant's Motions for Attorney Fees and Costs be denied. (Dkt. No. 221.) Any party may challenge a magistrate judge's proposed recommendation by filing written objections within ten days after being served with a copy of the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1)(C). The district court must then "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* The district court may accept, reject, or modify in whole or in part, the findings and recommendations made by the magistrate judge. *Id.*; *see also* Fed. R. Civ. P. 72(b). No objections to the Report and Recommendation were filed in this case. The Court has reviewed the Report and Recommendation, the parties' briefing on the Motions, briefing, and the entire record in this matter. Based upon this review, the Court finds the Report and Recommendation has correctly decided the Motions.

ORDER

Having conducted a *de novo* review of the Report and Recommendation, this Court finds that Chief Magistrate Judge Dale's Report and Recommendation is well founded in law and consistent with this Court's own view of the evidence in the record. Acting on the recommendation of Chief Magistrate Judge Dale's, and this Court being fully advised in the premises, **IT IS HEREBY ORDERED** that the Report and Recommendation entered on January 31, 2011, (Dkt. No. 221), should be, and is hereby, **INCORPORATED** by reference and **ADOPTED** in its entirety.

NOW THEREFORE IT IS HEREBY ORDERED as follows:

- 1) Plaintiffs' Motion for Attorney Fees (Dkt. No. 188) is **DENIED**.
- 2) Defendant's Motion for Attorney Fees (Dkt. No. 193) is **DENIED**.

IT IS FURTHER ORDERED that the Clerk of the Court shall **DENY** both Parties' respective Bills of Costs. (Dkt. Nos. 190, 191.)



DATED: **February 18, 2011**

A handwritten signature in black ink, appearing to read "Edward J. Lodge".

Honorable Edward J. Lodge
U. S. District Judge