

**FILED**

AUG 08 2019

Clerk, U.S. District Court  
District Of Montana

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

TANYA GERSH,

Plaintiff,

and

THOMAS W. BERRY, in his  
capacity as Attorney General of the  
State of Montana,

Intervener,

vs.

ANDREW ANGLIN,

Defendant.

CV 17-50-M-DLC-JCL

ORDER

Following a hearing on Plaintiff Tanya Gersh's Motion for Default Judgment (Doc. 201), United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendation on July 15, 2018, recommending that the Court (1) grant the motion for default judgment; (2) award Plaintiff compensatory damages and \$10,000,000 in punitive damages; and (3) issue a permanent injunction ordering Defendant Andrew Anglin to remove from his website the blog posts that caused Gersh's damages. (Doc. 214)

timely objected to the Findings and Recommendation, and accordingly, the party  
have waived their right to file a motion for review of the report. 28 U.S.C. § 1292(b).  
This Court reviewed the report and the Findings and Recommendation, and the  
party objects. See *Thomas v. Arn*, 474 U.S. 140, 147 (1985). Clear error  
exists if the court is left with a definite and firm conviction that a mistake  
has been made. *Wainwright v. United States*, 836 F.2d 711, 714 (11th Cir. 2001),  
(citation omitted).

Having reviewed the findings and recommendations (2008-271), the Court  
finds no clear error. Defendant's judgment is an appropriate sanction for a single  
absolute refusal to defend. *United States v. 37 (a), 553 (a)*, *and Diamond Company v.*  
*Worrain*, 880 F.2d 1138, 1141 (9th Cir. 1992); *United States v. 37 (a), 553 (a)*,  
F.2d 128, 130 (9th Cir. 1987); *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir.  
1986). Judge Lynch awarded punitive damages, and he did not clearly err in finding that they total \$7,072,758. Nor is  
there clear error in the award of punitive damages. *See Smith v. 7 (a), 553 (a)*,  
*Inc. v. Thein*, 191 P.3d 374, 387 (Mont. 2008); *Smith v. 7 (a), 553 (a)*,  
*Campbell*, 538 U.S. 408 (2002). Finally, the Court agrees that a permanent  
injunction should be ordered to reduce fu

Accordingly, IT IS ORDERED:

(1) Judge Lynch's Findings and Recommendations

IN FULL;

(2) Defendant Andrew Anglin shall permanently remove from his website

the blog posts encouraging his readers to contact Plaintiff Gersh's family

Gersh's family, including all photographs and images of the family or documents

boards associated therewith;

(3) The Clerk of Court shall enter judgment and findings in

favor of Plaintiff Gersh for compensatory damages in the amount of \$4,042,438

and for punitive damages in the amount of \$10,000,000.

DATED this 5<sup>th</sup> day of August, 2019.

  
Robert C. Anderson  
United States District Court