

Not For Publication in West's Federal Reporter
**United States Court of Appeals
For the First Circuit**

No. 10-2477

RICHARD E. KAPLAN,
Plaintiff, Appellee,

v.

FIRST HARTFORD CORPORATION and NEIL ELLIS,
Defendants, Appellants.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

[Hon. D. Brock Hornby, U.S. District Judge]

Before

Torruella, Thompson, Circuit Judges,
and Saris,* District Judge.

Lee H. Kozol, with whom Friedman & Atherton LLP, Peter W. Culley, Pierce Atwood LLP, Joseph H. Groff, III and Jensen Baird Gardner & Henry, were on brief for appellants.

Ben Robbins, with whom Martin J. Newhouse and New England Legal Foundation, as amicus curiae in support of appellant First Hartford Corporation.

Thomas C. Newman, with whom Richard L. O'Meara, Nicole L. Bradick and Murray, Plumb & Murray, was on brief for appellee.

August 17, 2011

* Of the District of Massachusetts, sitting by designation.

Per Curiam. This case is affirmed on substantially the same grounds as stated in the opinions of the district court. See Kaplan v. First Hartford Corp., 716 F. Supp. 2d 11 (D. Me. 2010); Kaplan v. First Hartford Corp., 484 F. Supp. 2d 131 (D. Me. 2007). The appeal is dismissed. Costs allowed to appellees.

It is so ordered.