

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

CYNTHIA MOON as Personal	)	
Representative of the Estate of	)	
Charles Edward Moon,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CV-07-126-B-W
	)	
WEBBER OIL COMPANY, et al.,	)	
	)	
Defendants.	)	

**ORDER AFFIRMING THE  
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

No objection having been filed to the Magistrate Judge's Recommended Decision (Docket #23) filed January 10, 2008, the Recommended Decision is accepted.

Accordingly, it is hereby ORDERED that the Motion to Dismiss certain remedies (Docket # 12) be and hereby is GRANTED, IN PART, to the limited extent that the parties agree that the claim for punitive damages under the ADA does not survive the Plaintiff's death. In all other respects, the Motion to Dismiss is DENIED.

SO ORDERED.

/s/ John A. Woodcock, Jr.  
JOHN A. WOODCOCK, JR.  
UNITED STATES DISTRICT JUDGE

Dated this 5th day of February, 2008