

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

**ONE AND KEN VALLEY HOUSING)
GROUP, ET AL.,)**

PLAINTIFFS)

v.)

CIVIL No. 09-642-B-H

**MAINE STATE HOUSING)
AUTHORITY,)**

**DEFENDANT AND)
THIRD-PARTY PLAINTIFF)**

v.)

**SHAUN DONOVAN, *Secretary,*)
United States Department of)
Housing & Urban Development,)**

THIRD-PARTY DEFENDANT)

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

On June 24, 2011, the United States Magistrate Judge filed with the court, with copies to counsel, her Recommended Decision on Third-Party Defendant's Motion for Partial Dismissal of Third-Party Complaint. The third-party plaintiff filed an objection to the Recommended Decision on July 8, 2011. Oral argument was held on October 11, 2011.

I have reviewed and considered the Recommended Decision, together with the entire record; I have made a *de novo* determination of all matters adjudicated by the Recommended Decision; and I concur with the

recommendation of the United States Magistrate Judge for the reasons set forth in the Recommended Decision, and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The third-party defendant's motion for partial dismissal of the Third-Party Complaint is **GRANTED** as follows: Count I is **DISMISSED**. Count II is **DISMISSED IN PART**, to the limited extent that it asserts a claim for indemnification and also to the extent that it asserts breach of contract claims purporting to reach beyond the six-year statute of limitations. Count III is **DISMISSED IN PART**, to the limited extent that it seeks a declaration of rights and responsibilities concerning non-party contracts. The plea for prospective injunctive relief stated in paragraph C of page 7 of the Third-Party Complaint is **STRICKEN**. The demand for trial by jury is **STRICKEN**.

SO ORDERED.

DATED THIS 12TH DAY OF OCTOBER, 2011

/s/D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE