

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

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|------------------------------|---|-----------------------|
| LOBSTER 207, LLC, |) | |
| |) | |
| Plaintiff |) | |
| |) | |
| v. |) | No. 1:19-cv-00552-LEW |
| |) | |
| WARREN B. PETTEGROW, et al., |) | |
| |) | |
| Defendants. |) | |

**ORDER ON OBJECTIONS AND
ORDER ADOPTING RECOMMENDED DECISION**

On August 30, 2023, the United States Magistrate Judge entered his Order on Motion to Supplement the Record, Order on Request to Hold and Answer, and Recommended Decision After Disclosure Hearing (ECF No. 493). Defendant Warren B. Pettegrow filed his Objection on September 25, 2023.

I have reviewed and considered the Magistrate Judge's Orders and Recommended Decision, the associated record, and the parties' briefing concerning the Objection. I concur with the Magistrate Judge's Orders because they are neither clearly erroneous nor contrary to law, and I determine that no further proceedings are necessary. *See* Fed. R. Civ. P. 72(a). Having reviewed and considered the Magistrate Judge's Recommended Decision, I have made a *de novo* determination of all matters adjudicated by the

Recommended Decision and I concur with the Magistrate Judge's conclusions as set forth in his Recommended Decision.¹

Defendant's objections are overruled, and the Magistrate Judge's Orders are AFFIRMED. The Magistrate Judge's Recommended Decision is AFFIRMED and ADOPTED.

Defendant Warren Pettegrow is HEREBY ORDERED to turn over the funds in the following bank accounts (Defendant is permitted to retain \$3,000 in deposit account funds that are exempt under Maine law, 14 M.R.S. § 4422(17), and Defendant is permitted to retain \$500 in any other property, *id.* § 4422(15), which exemption he evidently chose to apply toward his deposit accounts):

BHB&T health savings account containing approximately \$45,000;

Fidelity brokerage account ending in 5245 containing approximately \$21,000;

Royal Alliance brokerage account ending in 2284 containing approximately \$525;

BHB&T certificate of deposit account ending in 5615 containing approximately \$17,500;

¹ I reject Pettegrow's latest contention—not addressed in the Recommended Decision—that the Magistrate Judge improperly recommends relief not requested by Lobster 207 in its Motion for Relief (ECF No. 450). In its Motion for Relief, Lobster 207 requested an Order directing the judgment debtor to turn over “the financial accounts described in Sections 1(B) & (C), Section 2 and Section 3 of Appendix A.” ECF No. 450 at 24. These Sections of Appendix A contained each account listed in the Recommended Decision. *See* ECF No. 493 at 54 (listing accounts). Pettegrow's remaining contentions are similarly flawed. The judgment debtor requested an Order “[v]oiding Poseidon Charter's transfer of the 37-foot Freeman Boatworks catamaran described in Section 10 of Appendix A to Allie Cat, LLC and directing that the asset be sold pursuant to 14 M.R.S. § 3131.” ECF No. 450 at 25. The judgment creditor further requested an Order “[r]estraining the Judgment Debtor and any entities in which he has an interest in from transferring or modifying any property pending the turn-over and sale of that property” and “[d]irecting the Judgment Creditor to sell such property and account for its sale in accordance with 14 M.R.S. § 3131.” *Id.* Collectively, these requests reflect what was ultimately covered by the Recommended Decision. *See* ECF No. 493 at 53–54.

TD Bank checking account ending in 0536 containing approximately \$650;

BHB&T account ending in 3434 containing \$315, and

Bangor Savings Bank account ending in 7122 containing approximately \$4,200.

Defendant is further ORDERED to turn over for sale the following property identified in the Recommended Decision:

Two pieces of real property (in Somerset and Wesley, Maine);

Three motor vehicles;

Ownership interests in five business entities (100% interest in Poseidon Charters, Inc., 100% interest in Acadia Sea Farms, Inc, 10% interest in Winter Harbor, Marine, Inc., 1% interest in Anchor Avenue, LLC, and 33% interest in Pettegrow Properties, LLC), and

Five firearms and a gun safe.

Plaintiff's request for prejudgment interest is DEFERRED.

SO ORDERED.

Dated this 15th day of November, 2023.

/s/ Lance E. Walker
UNITED STATES DISTRICT JUDGE