

**UNITED STATES DISTRICT COURT
District of Maine**

UNITED STATES OF AMERICA,)

Plaintiff)

v.)

No. 2:10-cv-388-GZS

STEVEN C. JORDAN, SCOTT S.,)

GERSTMAR, STATE OF MAINE,)

and TOWN OF BOOTHBY HARBOR,)

Defendant)

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

The United States Magistrate Judge filed with the Court on September 30, 2011, his Recommended Decision (Docket No. 29). Defendants filed their Objection to the Recommended Decision (Docket No. 31) on October 14, 2011. Plaintiff filed its Response to Defendants' Objection to the Recommended Decision (Docket No. 32) on October 27, 2011.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
2. The Court **AFFIRMS** the denial for leave to file a sur-reply (Doc. No. 26).

3. It is hereby **ORDERED** that the Plaintiff's Motion for Partial Summary Judgment (Doc. No. 18) is **GRANTED**.
4. It is hereby **ORDERED** that the Defendants' Motion to Exclude the Testimony of the Plaintiff's Expert Witness (Doc. No. 17) is **DISMISSED** without prejudice.

/s/George Z. Singal _____
U.S. District Judge

Dated this 3rd day of November, 2011.