

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

CARY DEPAOLO,)	
)	
Plaintiff,)	
)	
v.)	Docket no. 2:16-cv-468-NT
)	
GHM PORTLAND MAR, LLC,)	
)	
Defendant)	
)	

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

On August 10, 2018, the United States Magistrate Judge filed with the court, with copies to the parties, his Recommended Decision on the Defendant's Motion for Summary Judgment. (ECF No. 64). The Defendant filed an objection to the Recommended Decision on August 24, 2018. (ECF No. 65). The Plaintiff responded on September 7, 2018. (ECF No. 66). 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 recommendations of the United States Magistrate Judge for the reasons set forth in the Recommended Decision.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED** and **AFFIRMED**. It is hereby **ORDERED** that the Defendant's Motion for Summary Judgment (ECF No. 55) is **GRANTED** in part, as to the Plaintiff's claims in Count I of disability

discrimination based on a theory of failure to accommodate and his claim in Count II of FMLA retaliation, and in all other respects the motion is **DENIED**. Remaining for trial are the Plaintiff's claims in Count I for retaliation, disability discrimination based on a theory of disparate treatment, and creation of a disability-based hostile work environment, and in Count II of FMLA interference.

SO ORDERED.

/s/ Nancy Torresen
United States Chief District Judge

Dated this 28th day of September, 2018.