

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

RICHARD E. KAPLAN,)	
)	
PLAINTIFF)	
)	
v.)	CIVIL No. 05-144-B-H
)	
FIRST HARTFORD CORPORATION AND NEIL ELLIS,)	
)	
DEFENDANTS)	

PROCEDURAL ORDER

Having read the submissions of the parties, I see nothing to be gained from the conference of counsel scheduled at the request of the plaintiff. I have made my ruling on the issue of dispositive control. Kaplan v. First Hartford Corp., 2010 U.S. Dist. LEXIS 55237, at *29-30 (D. Me. June 1, 2010). The defendants disagree with it, as is their right, but have presented no reason for me to reject the numbers set forth in my Order of June 1, 2010. See Defs.' Report in Resp. to Decision and Order on Plaintiff's Mot. to Modify (Docket Item 248). The time for doing so has passed. If I am wrong (on this or other issues I have resolved in the case), that is now for the court of appeals to decide. It is time to bring this matter to a close in this trial court.

The parties shall file a proposed form of final judgment by July 12, 2010. Ideally, it would be a joint proposal, albeit preserving all substantive rights of appeal. But if they cannot file a joint proposal, then each shall file its own

proposed final judgment. The conference of counsel scheduled for June 29, 2010 is cancelled.

So far as the plaintiff's request for attorney fees is concerned, I do not want to rule on fees of various sorts piecemeal. Therefore, before there is a ruling on attorney fees, I want to know if there is any request for reallocation of the Special Master's fees and, if so, what his recommendation is on that subject. I also want to know whether this is to be the only request for attorney fees.

SO ORDERED.

DATED THIS 29TH DAY OF JUNE, 2010

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