

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

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

**PROCEDURAL ORDER CONCERNING FINAL JUDGMENT**

I have reviewed the proposed final judgments submitted by the parties. The plaintiff is correct that the final judgment in this case should effect the buyout remedy on the terms set forth in the First Report of the Special Master Report (Docket Item 213) as modified by my Order of November 23, 2009 (Docket Item 232). This is not the time to resolve new issues, previously unaddressed. But in light of Rule 54's provision that a judgment should not include a Special Master's Report, Fed. R. Civ. P. 54(a), I believe that it is inappropriate to incorporate the Report by reference, as the plaintiff's proposed judgment seems to do. The defendants' version avoids doing so. I understand, however, that there may be continuing disagreements about terms that the defendants have included or omitted. Therefore, counsel shall confer once again, using the defendants' version as the template, and then notify me by August 6, 2010, of the specifics of any disagreement and why I should adopt

their respective positions on the disagreement. It is, of course, my hope that the parties will take this opportunity to work out their differences on what should be a ministerial exercise, the substantive decisions having already been made and, bearing in mind that Rule 54 contemplates a simple form of judgment, jointly submit a proposed final judgment by August 6, 2010. The goal here is to comply with the formal requirements for a judgment, so that if there is an appeal, the substantive issues can be addressed, without a derailment for failing to meet procedural formalities.

**SO ORDERED.**

**DATED THIS 27TH DAY OF JULY, 2010**

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