

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**FRONTIER COMMUNICATIONS  
CORPORATION,**

**Plaintiff**

v.

**BARRETT PAVING MATERIALS,  
INC., et al,**

**Defendants**

Civil No. 07-113-B-S

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

No objections having been filed to the Magistrate Judge's Recommended Decision (Docket No. 165) filed September 23, 2009, the Recommended Decision is **AFFIRMED**.

Accordingly, it is **ORDERED** that Plaintiff's Motion for Partial Summary Judgment (Docket No. 110) is **DENIED** without prejudice to its right to renew the motion following the close of discovery. It is also **ORDERED** that the Motion for Discovery (Docket No. 139) filed by the Railroad Defendants is **MOOTED**.

/s/ George Z. Singal  
United States District Judge

Dated this 15th day of October, 2009.