

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

JOANNE M. MILLAY, <i>as Parent</i>	)	
<i>of minor child Y.M.,</i>	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:07-cv-00178-JAW
	)	
SURRY SCHOOL DEPARTMENT,	)	
	)	
Defendant.	)	

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

The United States Magistrate Judge filed with the Court on December 8, 2010 her Recommended Decision (Docket # 185). Plaintiff filed her objections to the Recommended Decision on January 28, 2011 (Docket # 191) and the Defendant filed its response to those objections on February 14, 2011 (Docket # 192). The Court has reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record, and has made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Recommended Decision.

In her Recommended Decision, the Magistrate Judge proposed two actions. First, she recommended that the Court deny the Plaintiff's motion for modification of the stay put order. *Recommended Decision on Mot. for Order Modifying Stay and Order Reserving Ruling on Mot. to Exclude and Respecting Remedy* (Docket # 185). Second, she reserved ruling on the issue of remedy until the Court acted on her

Recommended Decision in *Millay v. Surry School Department*, No. 1:09-cv-00411-JAW.

Turning to the Plaintiff's motion for modification of the stay put order, the Court agrees with the Magistrate Judge for the reasons set forth in her Recommended Decision that the motion must be denied. Turning next to the issue of remedy, contemporaneous with the filing of this Order, the Court is issuing an Order affirming the Magistrate Judge's Recommended Decision in the companion case, No. 1:09-cv-00411-JAW. Accordingly, it is appropriate for the Court to re-refer this matter to the Magistrate Judge to allow her to complete her review of the question of remedy for the timeframe from 2006 to 2008.

In sum, the Court concurs with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision.

1. Regarding the stay put placement It is therefore ORDERED that the Recommended Decision of the Magistrate Judge (Docket # 185) is hereby AFFIRMED;
2. It is further ORDERED that the Plaintiff's Motion for Order for Modification of Stay-Put Order (Docket # 182) be and hereby is DENIED;
3. Finally, it is ORDERED that this matter be re-referred to the Magistrate Judge to address the question of remedy for the time period from 2006 to 2008.

SO ORDERED.

/s/ John A. Woodcock, Jr.  
JOHN A. WOODCOCK, JR.  
CHIEF UNITED STATES DISTRICT JUDGE

Dated this 28th day of February, 2011