UNITED STATES DISTRICT COURT District of Maine

PETER TINKHAM et al.,)
Plaintiffs)
v.) No. 1:12-cv-00229-GZS
LAURA PERRY et al.,)
Defendants)
	,

ORDER AFFIRMING THE RECOMMENDED DECISION OF THE MAGISTRATE JUDGE

On April 2, 2013, the United States Magistrate Judge filed with the Court her Recommended Decision (ECF No. 83). Defendant Alan Perry filed his Objection In Part to the Recommended Decision (ECF No. 89) on April 19, 2013. Plaintiffs filed their Objection to the Recommended Decision (ECF No. 90) on April 22, 2013. Defendant L. Clinton Boothby filed his Response to Plaintiff's Objection to the Recommended Decision (ECF No. 91) on May 8, 2013. The Court has also received and reviewed Defendants' Responses in Opposition to Plaintiffs' Motion to Amend (ECF Nos. 86 & 86).

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a <u>de novo</u> determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceedings on the matters addressed by the Recommended Decision is necessary.

- 1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge (ECF No. 83) is hereby **AFFIRMED**.
- 2. It is further hereby **ORDERED** that Defendant Boothby's Motions to Dismiss (ECF Nos. 29 and 43) are **GRANTED**.
- 3. It is further hereby **ORDERED** that Plaintiffs' Motion to Amend (ECF No. 81) is **DENIED**.
- 4. It is further hereby **ORDERED** that the Motion to Dismiss by Defendants Laura Perry and Nina Perry (ECF No. 40) is **GRANTED IN PART AND DENIED IN PART** and that all claims against Nina Perry be **DISMISSSED** for lack of personal jurisdiction.
- 5. It is further hereby **ORDERED** that the Motion to Dismiss by Defendant Alan Perry (ECF No. 42) is **DENIED**.
- 6. It is further hereby **ORDERED** that Plaintiff's Motion for Jurisdictional Discovery (ECF No. 85), which is dated April 1, 2013 but was received and filed by the Court on April 8, 2013, is **DENIED** as **MOOT** in light of the affirmation of the Recommended Decision, which ruled in favor of Plaintiffs on the issue of diversity jurisdiction.
- 7. In accordance with the Magistrate Judge's February 26, 2013 Order (ECF No. 26), this matter shall now be set for a Local Rule 56(h) Conference before this judicial officer in Portland. Plaintiffs and counsel for the remaining Defendants shall appear in-person for this conference.

/s/ George Z. Singal
United States District Judge

Dated this 14th day of May, 2013.