

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>INHABITANTS OF THE</b>	)	
<b>TOWN OF FAIRFIELD,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>1:14-cv-00495-JDL</b>
	)	
<b>TIME WARNER CABLE</b>	)	
<b>NORTHEAST, LLC,</b>	)	
	)	
<b>Defendant.</b>	)	

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

The United States Magistrate Judge filed his Recommended Decision (ECF No. 46) with the court on December 9, 2015, pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), subsequent to a hearing on the parties’ cross-motions for summary judgment (ECF No. 30, ECF No. 32) held on October 14, 2015 (ECF No. 45). The plaintiff, Inhabitants of the Town of Fairfield (the “Town”), and the defendant, Time Warner Cable Northeast, LLC (“Time Warner”), each filed an Objection to the Recommended Decision on December 23, 2015. ECF No. 48; ECF No. 47. A hearing was held on the Recommended Decision and the objections on February 17, 2016. ECF No. 53.

I have carefully reviewed and considered the Recommended Decision and the parties’ objections, together with the entire record, and have made a *de novo* determination of the matters objected to. I concur with the Magistrate Judge’s conclusions as set forth in his Recommended Decision.

Both parties raise objections to certain factual statements in the Recommended Decision, the resolution of which is not determinative of the objections to the Recommended Decision. As to all statements of fact in the Recommended Decision, by application of Local Rule 56(g), such statements are not deemed established for purposes of the proceedings in this case apart from the summary judgment motions. Local Rule 56(g) (“Facts deemed admitted solely for purposes of summary judgment shall not be deemed admitted for purposes other than determining whether summary judgment is appropriate.”). The parties agree that the references to October 2012 on pages 13 and 15 of the Recommended Decision should read, as corrected, as October 2005.

I note that the reference to “count II” in the Conclusion of the Recommended Decision should read, as corrected, as “Count III,” which is the unjust enrichment claim in the plaintiff’s complaint.

It is therefore **ORDERED** as follows:

1. The Recommended Decision of the Magistrate Judge (ECF No. 46) is hereby **ADOPTED**. The plaintiff’s motion for summary judgment (ECF No. 30) is **DENIED**. The defendant’s motion for summary judgment (ECF No. 32) is **GRANTED IN PART** as to the claim of unjust enrichment (Count III) and **DENIED IN PART** in all other respects. The references to October 2012 on pages 13 and 15 of the Recommended Decision are amended to October 2005. The reference to Count II on page 18 of the Recommended Decision is amended to Count III.
2. A telephonic case management conference is scheduled for March 2, 2016, at 2:00 p.m.

**SO ORDERED.**

Dated this 22nd day of February, 2016.

/s/ Jon D. Levy  
**U.S. DISTRICT JUDGE**