

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

JASON CURTIS,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 07-cv-196-P-S
)	
SULLIVAN TIRE, INC.,)	
)	
Defendant.)	

ORDER OF CLARIFICATION

On October 31, 2008, the Court filed an Order of Clarification (Docket # 31) listing this case as a jury trial on the Court's January 2009 civil trial list. On November 7, 2008, Defendant filed an Objection to that Order (Docket # 33), in which it maintained that Plaintiff waived his right to a jury trial by (1) failing to object to the Court's previous Scheduling Order, and (2) failing to comply with Federal Rules of Civil Procedure 38(b) and 81(c), and Local Rule 38. Defendant also described its reliance on Plaintiff's waiver of his jury trial right.

In light of Plaintiff's failure to respond to Defendant's Objection, the Court hereby finds Plaintiff has failed to make a proper jury demand and waived any right to a jury trial.¹ Therefore, the Court ORDERS that this matter be listed as a nonjury trial on the Court's January 2009 civil trial list, and GRANTS WITHOUT OBJECTION Defendant's Objection to Court's Order of Clarification Regarding Plaintiff's Right to Jury Trial (Docket # 33).

SO ORDERED.

/s/ George Z. Singal
Chief U.S. District Judge

Dated this 18th day of November, 2008.

¹ In the absence of any response by Plaintiff, the Court also finds no reason to exercise its discretionary authority to order the case tried by a jury pursuant to Federal Rule of Civil Procedure 39(b).