

**UNITED STATES DISTRICT COURT  
District of Maine**

<p><b>DONALD P. LARIVIERE, et al.,</b></p> <p style="padding-left: 40px;"><b>Plaintiffs,</b></p> <p><b>v.</b></p> <p><b>BANK OF NEW YORK AS TRUSTEE, et al.,</b></p> <p style="padding-left: 40px;"><b>Defendants.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>Civil No. 09-515-P-S</b></p>
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**ORDER AFFIRMING THE  
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on May 7, 2010, her Recommended Decision (Docket No. 30). Plaintiffs filed their Objection to the Recommended Decision (Docket No. 31) on May 21, 2010.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo 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 proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
2. It is hereby **ORDERED** that the Motion to Dismiss of Defendants Bank of New York, as Trustee, Litton Loan Servicing, L.P., and Mortgage Electronic Registration Systems, Inc. (Docket No. 21) is **GRANTED**.

3. It is hereby **ORDERED** that Plaintiffs' Complaint is **DISMISSED WITH PREJUDICE** in its entirety pursuant to Rule 12(b) of the Federal Rules of Civil Procedure.

/s/George Z. Singal

U.S. District Judge

Dated this 11th day of June, 2010.