

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

MARK HENDERSON,)
)
PLAINTIFF)
)
v.)
)
ATLANTIC PELAGIC SEAFOOD,)
INC.,)
)
DEFENDANT)

CIVIL No. 10-68-P-H

ORDER AFFIRMING RECOMMENDED DECISION OF THE MAGISTRATE JUDGE

On March 28, 2011, the United States Magistrate Judge filed with the court, with copies to counsel, his Recommended Findings of Fact and Conclusions of Law on Motion for Default Judgment. The time within which to file objections expired on April 14, 2011, and no objections have been filed. The Magistrate Judge notified the parties that failure to object would waive their right to *de novo* review and appeal. I have reviewed and considered the Recommended Decision, together with the entire record; I have made a *de novo* determination of all matters adjudicated by the Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in the Recommended Decision, and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the plaintiff's motion for default judgment is **GRANTED**. Judgment is entered in favor of the plaintiff Mark Henderson against the defendant Atlantic Pelagic Seafood, LLC on Counts I, II and III of the

Complaint. Damages are awarded to the plaintiff Mark Henderson as follows: Four Hundred Thousand Dollars (\$400,000) on Count I for pain, suffering and emotional anguish, Seven Thousand Six Hundred Seventy Dollars and Nineteen Cents (\$7,670.19) on Count III for unpaid cure, and Seven Thousand Nine Hundred Dollars (\$7,900) on Count III for maintenance for the period from April 1, 2010, through February 11, 2010, for a total award of Four Hundred Fifteen Thousand Five Hundred Seventy Dollars and Nineteen Cents (\$415,570.19). No damages are awarded on Count II which seeks damages duplicative of those sought in Count I.

SO ORDERED.

DATED THIS 22ND DAY OF APRIL, 2011

/s/D. Brock Hornby
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE