

**UNITED STATES DISTRICT COURT
District of Maine**

<p>DONALD P. LARIVIERE, et al,</p> <p style="padding-left: 40px;">Plaintiffs,</p> <p>v.</p> <p>BANK OF NEW YORK AS TRUSTEE, et al,</p> <p style="padding-left: 40px;">Defendants</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Civil No. 10-336-P-S</p>
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**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on September 21, 2010, her Recommended Decision (Docket No. 9). Plaintiffs filed their Objection to the Recommended Decision (Docket No. 10) on October 13, 2010. Defendants filed their Response to Plaintiffs' Objection to the Recommended Decision (Docket No. 11) on November 1, 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 Defendants' Motion to Dismiss (Docket No. 8) is **GRANTED WITH PREJUDICE** in its entirety on the basis of *res judicata*.

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

Dated this 2nd day of November, 2010.