

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

ESTATE OF CRAIG L. ALLARD,)
ET AL.,)

PLAINTIFFS)

v.)

CIVIL No. 2:11-cv-283-DBH

PATRICK J. FLEMING, ET AL.,)

DEFENDANTS)

ORDER AFFIRMING RECOMMENDED DECISION
OF THE MAGISTRATE JUDGE

On October 31, 2012, the United States Magistrate Judge filed with the court, with copies to counsel, his Recommended Decision on Motion for Summary Judgment. An objection to the Recommended Decision was filed by the defendant Phinney on November 19, 2012. 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 Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The state defendants' motion for summary judgment (ECF No. 45) is **GRANTED**. The defendant Phinney's motion for summary judgment (ECF No. 48) is **GRANTED** as to Count VIII of the Complaint and any

punitive damages, and is otherwise **DENIED**. Remaining for trial is Count VII of the Complaint asserted only against the defendant Phinney.

SO ORDERED.

DATED THIS 10TH DAY OF DECEMBER, 2012

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