

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

TORREY HARRISON,)	
)	
PLAINTIFF)	
)	
v.)	CIVIL No. 2:13-cv-123-DBH
)	
GRANITE BAY CARE, INC.,)	
)	
DEFENDANT)	

**ORDER AFFIRMING RECOMMENDED DECISION
OF THE MAGISTRATE JUDGE AND ORDER ON PLAINTIFF'S
MOTION TO CERTIFY QUESTIONS OF STATE LAW**

On June 30, 2014, the United States Magistrate Judge filed with the court, with copies to counsel, his Recommended Decision on Motion for Summary Judgment. The plaintiff filed an objection to the Recommended Decision on July 21, 2014, and a Motion to Certify Questions of State Law to the Maine Supreme Judicial Court Sitting as the Law Court on July 22, 2014. The defendant filed a consolidated response on July 31, 2014. Oral argument was held on September 4, 2014.

I have reviewed and considered the Recommended Decision and the motion, 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, as clarified below, and determine that no further proceeding is necessary.

I agree with the Magistrate Judge that the language of Winslow v. Aroostook County, 736 F.3d. 23, 32 (1st Cir. 2013), controls this case, and as a trial judge I must follow Winslow. If the Winslow language is unduly broad, that it an argument for the plaintiff to make to the Court of Appeals for the First Circuit. If the Winslow language potentially misconstrues the Maine statute such that the issue should be certified to the Maine Law Court, that, too, is a decision for the First Circuit.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The defendant's motion for summary judgment is **GRANTED**. The plaintiff's motion to certify questions of state law is **DENIED**.

SO ORDERED.

DATED THIS 4TH DAY OF SEPTEMBER, 2014

/s/D. BROCK HORNBY

D. BROCK HORNBY

UNITED STATES DISTRICT JUDGE