

United States District Court  
District of Massachusetts

_____	)	
CHRISTOPHER ERRICO,	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.
	)	10-10337-NMG
DANIEL ROSA, ET AL.,	)	
Defendants.	)	
_____	)	

ORDER

After consideration of plaintiff's objection thereto (Docket No. 28), the Report and Recommendation (Docket No. 27) is accepted and adopted, with the following exception:

the Court finds that the Wyndham Hotel was properly served with process despite plaintiff's failure to file proof of service with the Office of the Clerk pursuant to Local Rule 5.2 because such failure may (and should) be corrected but does not affect the validity of the service.

Thus, as a result, the Report and Recommendation (Docket No. 27) is,

- 1) with respect to Counts I through V and VII, accepted and adopted; and
- 2) with respect to Count VI, accepted with respect to all defendants except Wyndham Hotel.

As a consequence, the defendants' motion to dismiss (Docket No. 15) is

- 1) with respect to Counts I through V and VII, **ALLOWED** and those claims are **DISMISSED**; and
- 2) with respect to Count VI, **DENIED** with respect to

defendants Ross and Connors only; and

- 3) with respect to the claims against defendant Peterson,  
**DISMISSED** for failure to perfect service.

**So ordered.**

/s/ Nathaniel M. Gorton  
Nathaniel M. Gorton  
United States District Judge

Dated December 3, 2010