

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL POLAK,)
)
Plaintiff,)
v.)
)
RIVERSIDE MARINE)
CONSTRUCTION, INC.,)
)
Defendant.)

CIVIL ACTION
NO. 12-11197-NMG

**REPORT AND RECOMMENDATION ON
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

April 18, 2014

DEIN, U.S.M.J.

I. INTRODUCTION

The plaintiff, Michael Polak (“Polak”), was employed by the defendant, Riverside Marine Construction, Inc. (“Riverside”), from August 27, 2009 until approximately March 1, 2010. Polak alleges that he was injured on the job on August 31, 2009, when a piling rolled off the blades of a Bobcat forklift and landed on his foot. After his employment with Riverside ended, Polak filed a claim for workers’ compensation benefits. Riverside contested his claim that he was injured. The parties eventually reached an agreement, and on July 7, 2011, the State of Maine Workers’ Compensation Board issued a Consent Decree approving the parties’ agreement. While Polak’s entitlement to

workers’ compensation benefits was premised on his being a land-based rather than a maritime employee, that issue was never litigated as it was not disputed.

After consideration of plaintiff's objection thereto (Docket No. 68),

Report and Recommendation accepted and adopted. JMGorton, USDJ 5/27/14