

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 12-11407-GAO

GREGORY P. TURNER,
Plaintiff,

v.

HUBBARD SYSTEMS, INC.,
formerly known as and also doing business as
JIM HUBBARD AND ASSOCIATES, INC.,
Defendant.

ORDER ON REPORT AND RECOMMENDATION

July 22, 2015

O'TOOLE, D.J.

The magistrate judge to whom this matter was referred has recommended that the defendant's motion for summary judgment (dkt. no. 63) be denied without prejudice to refile. The defendant intends to file a new motion for summary judgment on August 17, 2015. No party has objected to the magistrate's Report and Recommendation ("R&R").

Having carefully reviewed the pleadings, the parties' submissions, and the R&R, I ADOPT the magistrate judge's recommendation in its entirety. The defendant's motion for summary judgment (dkt. no. 63) is DENIED without prejudice.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

GREGORY P. TURNER,
Plaintiff,

v.

CIVIL ACTION NO. 12-11407-GAO

HUBBARD SYSTEMS, INC.,
Defendant.

**REPORT AND RECOMMENDATION
ON MOTION FOR SUMMARY JUDGMENT(#63)**

KELLEY, U.S.M.J.

On October 17, 2014, Defendant filed a motion for summary judgment. (#63.) Defendant intends to file a new motion for summary judgment on August 17, 2015, which will replace the previous motion in its entirety. For that reason, the Court RECOMMENDS that Defendant's earlier motion for summary judgment (#63) be DENIED, without prejudice to refiling.

The parties are hereby advised that any party who objects to this recommendation must file specific written objections with the Clerk of this Court within 14 days of the party's receipt of this Report and Recommendation. The objections must specifically identify the portion of the recommendation to which objections are made and state the basis for such objections. The parties are further advised that the United States Court of Appeals for this Circuit has repeatedly indicated that failure to comply with Rule 72(b), Fed. R. Civ. P., shall preclude further appellate review. *See Keating v. Secretary of Health & Human Servs.*, 848 F.2d 271 (1st Cir. 1988); *United States v. Emiliano Valencia-Copete*, 792 F.2d 4 (1st Cir. 1986); *Scott v. Schweiker*, 702 F.2d 13, 14 (1st Cir.

1983); *United States v. Vega*, 678 F.2d 376, 378-379 (1st Cir. 1982); *Park Motor Mart, Inc. v. Ford Motor Co.*, 616 F.2d 603 (1st Cir. 1980); *see also Thomas v. Arn*, 474 U.S. 140 (1985).

June 29, 2015

/s/ M. Page Kelley
M. Page Kelley
United States Magistrate Judge