

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JAMES A. DOOLING, III,  
Plaintiff,

v.

CIVIL ACTION NO. 13-11844-NMG

JAMES B. NUTTER & COMPANY  
and FEDERAL NATIONAL  
MORTGAGE ASSOCIATION,  
Defendants.

REPORT AND RECOMMENDATION ON  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT (#25).

KELLEY, U.S.M.J.

Defendants James B. Nutter & Company and Federal National Mortgage Association filed a motion for summary judgment (#25) on September 24, 2014. That motion was fully briefed. (##26, 27, 28, 29, 30.) On June 3, 2015, Defendants filed a second motion for summary judgment (#37) which supercedes the initial motion (#25). Because Defendants' first-filed motion for summary judgment (#25) is now moot, I RECOMMEND that it be DENIED on that basis.

Review by District Judge

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 8, 2015

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