

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Beede Site Group Members

v.

NH Civil No. 1:09-cv-370-WES

Federal Home Loan Mortgage Corporation

ORDER

I herewith approve the [630] Report and Recommendation of Magistrate Judge Lincoln D. Almond dated October 21, 2011, no objection having been filed.


Covanta Haverhill, Inc.'s Motion to Dismiss (Document No. 599) is denied with prejudice as to Covanta Haverhill, Inc.'s claims as to the factual specificity of the Second Amended Complaint but without prejudice as to its other legal challenges including the claim that the 2006 Consent Decree protects Covanta Haverhill, Inc. from liability for the claims made in this suit. Covanta Haverhill, Inc.'s Motion to Strike is denied.

The failure to file any objection to the Report and Recommendation precludes any appeal of this case to the First Circuit Court of Appeals. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir. 2011) (citing United States v. Lugo Guerrero, 524 F.3d 5, 14 (1st Cir. 2008)); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (only issues fairly raised

by objections to magistrate judge's report are subject to review by district court;
issues not preserved by such objection precluded on appeal).

SO ORDERED.

November 28 2011



William E. Smith
United States District Judge
Sitting by Designation

cc: All counsel of record