UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

HEIDI M. BAKER,
Plaintiff,

v. C.A. No. 07-314 ML

SAFETY SOURCE NORTHEAST
and ST. PAUL TRAVELERS INSURANCE
COMPANY,
Defendants

MEMORANDUM AND ORDER

This matter is before the Court on the objection filed by Heidi M. Baker ("Baker"), the Plaintiff, to a Report and Recommendation issued by Magistrate Judge Martin on December 30, 2008. Judge Martin recommends that Defendant St. Paul Travelers Insurance Company's ("St. Paul") Motion for Summary Judgment be granted and that the Plaintiff's Motion for Summary Judgment be denied. This Court has reviewed the Report and Recommendation and the Plaintiff's Objection. Finding no merit in Baker's contentions, this Court adopts the Report and Recommendation.

This Court notes that there may be a confusing reference on page 9 of Judge Martin's Report, which references Berger v. H.P. Hood, 624 N.E. 2d 947 (Mass. 1993). In Berger, the Massachusetts Supreme Judicial Court addressed the exclusivity provision of Massachusetts Workers' Compensation Act as it relates to an employee's claims for underinsurance benefits. The Berger court explained that the Massachusetts Uninsured Motorist Statute, Mass. Gen. Laws ch. 175, § 113L (1992 ed.) (rather than the Massachusetts workers' compensation statute which

Judge Martin references) "was enacted with the objective of protecting the 'public from injury caused by motorists who could not make the injured party whole.' . . . " Berger, 624 N.E.2d at 949 (internal citation omitted).

The Defendant's Motion for Summary Judgment is GRANTED, and the Plaintiff's Motion for Summary Judgment is DENIED.

SO ORDERED.

Mary M. Lisi
Chief United States District Judge
January 28, 2009