

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

SALISBURY COVE ASSOCIATES, INC.,
d/b/a ATLANTIC BREWING COMPANY,

Plaintiff

v.

Civil No. 01-211-B-C

INDCON DESIGN (1995), LTD.,
NORTHERN BREW SYSTEMS,
DARRYL GAUDREAU,
BARRIE MILLER,
BRAD MILLER,
LAURENCE D.T. JOHNSON, and
MILTON, JOHNSON,

Defendants

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge having filed with the Court on May 23, 2002, with copies to counsel, her Recommended Decision on Defendants Johnson and Milton, Johnson's Motion to Dismiss (Docket No. 11); and Plaintiff having filed its objection thereto on June 4, 2002, (Docket No. 12), to which objection Defendants Johnson and Milton, Johnson filed their response on June 17, 2002 (Docket No. 13); and this Court having reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; and this Court having made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Recommended Decision, and concurring with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, it is **ORDERED** as follows:

- (1) Plaintiff's objection is hereby **DENIED**.¹
- (2) The Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**;
- (3) The Motion to Dismiss Counts VII and VIII against Defendants Johnson and Milton, Johnson for lack of personal jurisdiction and improper venue is hereby **GRANTED**.

GENE CARTER
District Judge

Dated at Portland, Maine this 27th day of June, 2002.

(Counsel list follows.)

SALISBURY COVE ASSOCIATES INC
dba

DANIEL A. PILEGGI, ESQ.
[COR LD NTC]

¹ It causes some momentary confusion that Plaintiff, in its Objection to Recommended Decision (Docket No. 12), states that it "does not object to the Magistrate Judge's recommended dismissal of Count VIII, stating a claim for legal malpractice." *Id.* at 3. Plaintiff then proceeds to assert and argue on behalf of an objection to the recommended dismissal of Count VII. *Id.* at 3-7. However, in its conclusion "Atlantic respectfully asserts that the Magistrate Judge incorrectly recommended the dismissal of Counts VII and VIII of its complaint." *Id.* at 7. (Emphasis added.)

In the face of the assertion that there is no objection to the recommended dismissal of Count VIII and the lack of any argumentation in support of such an objection, the Court **CONCLUDES** that the latter reference on page seven of Plaintiff's Objection to that recommendation is an error.

ATLANTIC BREWING COMPANY
plaintiff

ROY, BEARDSLEY, WILLIAMS &
GRANGER, LLC
P.O. BOX 723
ELLSWORTH, ME 04605
(207)667-7121

v.

INDCON DESIGN (1995) LTD
defendant

NORTHERN BREW SYSTEMS
defendant

DARRYL GAUDREAU
defendant

BARRIE MILLER
defendant

BRAD MILLER
defendant

LAURENCE DT JOHNSON
defendant

JOHN B. LUCY
[COR LD NTC]
RICHARDSON, WHITMAN, LARGE &
BADGER
P.O. BOX 2429
ONE MERCHANTS PLAZA, SUITE 603
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(207) 945-5900

MILTON JOHNSON
defendant

JOHN B. LUCY
(See above)
[COR LD NTC]