

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

LOGAN MARR, *et al.*,
Plaintiffs

v.

STATE OF MAINE DEPARTMENT OF
HUMAN SERVICES, *et al.*,
Defendants

Civil No. 01-224-B-C

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

The United States Magistrate Judge having filed with the Court on April 24, 2002, with copies to counsel, her Recommended Decision on Motion to Dismiss (Docket No. 20) in the above-entitled matter; and the time for filing objections thereto having expired without any objections having been filed; *see* 28 U.S.C. § 636(b)(1); and this Court having reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; and having made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and this Court concurring with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and having determined that no further proceeding is necessary; it is **ORDERED** as follows:

- (1) The Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
- (2) The motion to dismiss brought by the Department of Human Services is hereby **GRANTED**, and so much of the Complaint herein as names the State of Maine, Department of Human Services, as a Defendant is hereby **DISMISSED**.

GENE CARTER
District Judge

Dated at Portland, Maine this 9th day of July, 2002.

CHRISTY MARR, Individually and
as Personal Representative of
LOGAN MARR
 plaintiff

CHARLES CLIFTON FULLER, III,
ESQ.
[COR LD NTC]
THE ATTORNEYS OFFICE, P.A.
15 MAIN STREET
2ND FLOOR
BELFAST, ME 04915
(207) 338-5461

v.

MAINE DEPARTMENT OF HUMAN
SERVICES
 defendant

ANDREW S HAGLER
[COR LD NTC]
ASSISTANT ATTORNEY GENERAL
STATE HOUSE STATION 6
AUGUSTA, ME 04333-0006
626-8800

JOHN DOE 1-10
 defendant

JANE DOE 1-10
 defendant

XYZ CORPORATIONS 1-3
 defendant

ALLISON PETERS
defendant

ANDREW S HAGLER
(See above)
[COR LD NTC]

CHARLES A. HARVEY, JR.
[COR LD NTC]
ROBERT S. FRANK, ESQ.
[COR]
HARVEY & FRANK
TWO CITY CENTER
P.O. BOX 126
PORTLAND, ME 04112
207-775-1300

MARGARET MARCOTTE
defendant

EDWARD R. BENJAMIN, JR.
[COR LD NTC]
THOMPSON & BOWIE
3 CANAL PLAZA
P.O. BOX 4630
PORTLAND, ME 04112
774-2500

ANDREW S HAGLER
(See above)
[COR LD NTC]

RAY DOUCETTE
defendant

ANDREW S HAGLER
(See above)
[COR LD NTC]

KAREN WESTBURG
defendant

ANDREW S HAGLER
(See above)
[COR LD NTC]

KEVIN CONCANNON
defendant

JONATHAN W. BROGAN, ESQ.
[COR LD NTC]
NORMAN, HANSON & DETROY
415 CONGRESS STREET
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PORTLAND, ME 04112
774-7000

ANDREW S HAGLER
(See above)
[COR LD NTC]

LAWRENCE J IRWIN, ESQ
defendant

E. JAMES BURKE
[COR LD NTC]
621 MAIN STREET
LEWISTON, ME 04240
783-4050

SUE KIEFER
defendant
[term 01/18/02]

THAD B. ZMISTOWSKI, ESQ.
[term 01/18/02]
[COR LD NTC]
EATON, PEABODY, BRADFORD &
VEAGUE
P. O. BOX 1210
BANGOR, ME 04402-1210
947-0111

MAINE CHILDRENS HOME FOR
LITTLE WANDERERS
defendant
[term 01/18/02]

THAD B. ZMISTOWSKI, ESQ.
[term 01/18/02]
(See above)
[COR LD NTC]

SALLY SCHOFIELD
defendant

BARRI L. BLOOM, ESQ.
[COR LD NTC]
RICHARDSON, WHITMAN, LARGE &
BADGER
465 CONGRESS STREET
P.O. BOX 9545
PORTLAND, ME 04112-9545
(207) 774-7474

MARGARET MARCOTTE
cross-claimant

EDWARD R. BENJAMIN, JR.
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3 CANAL PLAZA
P.O. BOX 4630
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774-2500

v.

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cross-defendant

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STATE HOUSE STATION 6
AUGUSTA, ME 04333-0006
626-8800

KAREN WESTBURG
cross-claimant

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