

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

PAPER, ALLIED-INDUSTRIAL CHEMICAL  
AND ENERGY WORKERS  
INTERNATIONAL UNION, AFL-CIO, CLC,

Plaintiff

v.

ALLIED TEXTILE COMPANIES, PLC,  
a/k/a ALLIED TEXTILES LIMITED,

Defendant

Civil No. 02-133-P-C

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

The United States Magistrate Judge filed with the Court on November 18, 2002, with copies to counsel, his Recommended Decision on Defendant's Motion to Dismiss (Docket Item No. 11); and Plaintiff filed its objection thereto on November 29, 2002, (Docket Item No. 12), to which objection Defendant filed its response on December 11, 2002 (Docket Item No. 14). Defendant filed its objection to the Magistrate's Recommended Decision on December 2, 2002 (Docket Item No. 13). 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 concurring with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision, it is **ORDERED** as follows:

- (1) Plaintiff's objection is hereby **DENIED**;
- (2) Defendant's objection is hereby **DENIED**;
- (3) The Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**;

- (4) Allied's motion to dismiss is hereby **GRANTED** on the basis of failure to state a claim.<sup>1</sup>

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GENE CARTER  
District Judge

Dated at Portland, Maine this 30<sup>th</sup> day of December, 2002.

PAPER, ALLIED-INDUSTRIAL,  
CHEMICAL, AND ENERGY WORKERS  
INTERNATIONAL UNION, AFL-CIO-  
CLC  
    plaintiff

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v.

ALLIED TEXTILE COMPANIES, PLC  
aka  
ALLIED TEXTILES LIMITED  
    defendant

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<sup>1</sup> The Court notes that the Magistrate Judge also acted to deny the Plaintiff's Motion to Take Judicial Notice (Docket Item No. 8), a nondispositive action subject to review by this Court on appeal pursuant to 28 U.S.C. § 636(b)(1)(A). Neither party has filed any notice of appeal from that action (or otherwise initiated any challenge thereto in the written objections to the Recommended Decision). Because of the absence of such a notice of appeal, the Court has not undertaken any review of the denial of the Motion to Take Judicial Notice. *Jacobsen v. Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C.*, 594 F. Supp. 583, 585 (D. Me. 1984).