

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

NET 2 PRESS, INC.,

Plaintiff

v.

58 DIX AVENUE CORPORATION,  
*et al.*,

Defendants

Civil No. 02-18-P-C

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

The United States Magistrate Judge filed with the Court on December 10, 2002, with copies to counsel, his Recommended Decision on Defendants' Motion for Partial Summary Judgment (Docket Item No. 47).<sup>1</sup> Defendants filed their objection thereto on December 27, 2002 (Docket Item No. 51), to which objection Plaintiff filed its response on January 16, 2003 (Docket Item No. 55). Plaintiff filed its objection to the Recommended Decision on December 27, 2002 (Docket Item No. 52), to which objection Defendant filed its response on January 16, 2003 (Docket Item No. 54).

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

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<sup>1</sup>The Court notes that the Magistrate Judge also acted to deny the Defendants' Motion to Strike Portions of Declaration of Garth Grandchamp (Docket Item No. 33), 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 Strike. *Jacobsen v. Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C.*, 594 F. Supp. 583, 585 (D. Me. 1984).

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) Defendants' objection is hereby **DENIED**;
- (3) The Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**;
- (4) Defendants' motion for partial summary judgment is hereby **GRANTED** with respect to any claims based on oral representations made before the execution of the Asset Purchase Agreement; any claims based on oral representations made after the execution of the Asset Purchase Agreement that amend or modify any term of that Agreement and were not reduced to writing; Counts III, IV, VIII, IX, XII, XIII, and XV of the amended complaint; and it is otherwise **DENIED**.

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GENE CARTER  
Senior District Judge

Dated at Portland, Maine this 31<sup>st</sup> day of January, 2003.

[Counsel list follows.]

NET 2 PRESS INCORPORATED  
plaintiff

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counter-claimant

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