

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

SECOND CHANCE, INC.,
Plaintiff

v.

MATTHEW L. CHIPMAN, *et al.*,
Defendants

Civil No. 02-256-P-C

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

The United States Magistrate Judge filed with the Court on April 14, 2003, with copies to the Defendants and to counsel, his Recommended Decision on Plaintiff's Motion for Partial Summary Judgment (Docket Item No. 31); and Defendant Chipman filed his objection to the Recommended Decision on April 23, 2003 (Docket Item No. 32), to which objection, Plaintiff filed his response on May 13, 2003 (Docket Item No. 35). 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, and having determined that no further proceeding is necessary; it is **ORDERED** as follows:

- (1) The objection of the Defendant is hereby **DENIED**.
- (2) The Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
- (3) Plaintiff, Second Chance, Inc.'s Motion for Partial Summary Judgment is hereby **GRANTED**.
- (4) The third counterclaim, brought against persons who are not parties to the instant lawsuit, is hereby **DISMISSED** *sua sponte* by the Court.

It is **FURTHER ORDERED** that the sum of Ten Thousand Dollars (\$10,000.00) currently held in escrow be **RELEASED** forthwith to Second Chance, Inc.

GENE CARTER
Senior United States District Judge

Dated at Portland, Maine this 14th day of May, 2003.

[Counsel list follows.]

Plaintiff

SECOND CHANCE INC

represented by **WILLIAM H. WELTE**
WELTE & WELTE, P.A.
13 WOOD STREET
CAMDEN, ME 04843-2248
207-236-7786
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

MATTHEW L CHIPMAN

represented by **MATTHEW L CHIPMAN**
112 HALLOWELL ROAD
POWNAAL, ME 04069
PRO SE

Defaulted Party

SECOND CHANCE M/V, *In Rem*

Counter Claimant

MATTHEW L CHIPMAN

represented by **MATTHEW L CHIPMAN**
112 HALLOWELL ROAD
POWNAAL, ME 04069
PRO SE

(See above for address)

V.

Counter Defendant

SECOND CHANCE INC

represented by **WILLIAM H. WELTE**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Claimant

MATTHEW L CHIPMAN

represented by **MATTHEW L CHIPMAN**
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POWNA, ME 04069
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(See above for address)