

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

RAYMOND J. CHALOULT, SR.,

Plaintiff

v.

Civil No. 02-249-P-C

INTERSTATE BRANDS CORPORATION,

Defendant

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

The United States Magistrate Judge filed with the Court on August 4, 2003, with copies to counsel, his Memorandum Decision on Defendant's Motion to Strike and Recommended Decision on Defendant's Motions for Summary Judgment and to Dismiss (Docket Item No. 39). Defendant filed its objection thereto on August 18, 2003, (Docket Item No. 40), to which objection Plaintiff filed his response on August 26, 2003 (Docket Item No. 44). Plaintiff filed his objection to the Recommended Decision on August 15, 2003 (Docket Item No. 42), to which objection Defendant filed its response on August 25, 2003 (Docket Item No. 43).

This Court has 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) The Magistrate Judge's decision granting in part and denying in part Defendant Interstate Brands Corporation's motion to strike is hereby **AFFIRMED**, no clear error in respect thereto having been shown;
- (2) Plaintiff's objection to the Recommended Decision is hereby **DENIED**;
- (3) Defendant's objection to the Recommended Decision is hereby **DENIED**;
- (4) The Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**;
- (5) Defendant Interstate Brands Corporation's motion to dismiss is hereby **GRANTED** as to Plaintiff Chaloult's claim for punitive damages and is otherwise hereby **DENIED**.
- (6) Defendant Interstate Brands Corporation's motion for summary judgment is hereby **DENIED**.

GENE CARTER
Senior United States District Judge

Dated at Portland, Maine this 10th day of September, 2003.