

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

TERRY A. MOORE,)	
)	
PLAINTIFF)	
)	
v.)	CIVIL No. 03-229-P-H
)	
YOUTH PROMISE, ET AL.,)	
)	
DEFENDANTS)	

ORDER

The defendant Mary Trescott’s motion to dismiss is **GRANTED**. On the federal claim, the plaintiff concedes that his claim is foreclosed in light of Gough v. Eastern Maine Development Corp., 172 F. Supp. 2d 221 (D. Me. 2001). On the state law claim, Maine’s Law Court has withdrawn its decision in Gordon v. Cummings, 2000 WL 419716 (Me. April 19, 2000), withdrawn, 756 A.2d 942 (Me. 2000). I therefore conclude that Gough’s conclusion that the federal treatment should also govern the state claim remains pertinent. See Miller v. Hall, 245 F. Supp. 2d 191 (Me. 2003).

So ORDERED.

DATED THIS 3RD DAY OF OCTOBER, 2003.

/s/**D. BROCK HORNBY**

D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE

**U.S. DISTRICT COURT
DISTRICT OF MAINE (PORTLAND)
CIVIL DOCKET FOR CASE #: 03-CV-229**

Plaintiff

TERRY A MOORE

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v.

Defendants

YOUTH PROMISE

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