

It is therefore **ORDERED** that the Recommended Decision and the Memorandum Decision of the Magistrate Judge are hereby **ADOPTED**. The Town defendants' motion to strike additional facts is **GRANTED**. The plaintiffs' motion to strike, the Town defendants' motion to strike opposing facts, and the State defendants' motion to strike are **GRANTED IN PART** and **DENIED IN PART**. The defendants' motions for summary judgment are **GRANTED**.

So ORDERED.

DATED: DECEMBER 19, 2003

/s/D. BROCK HORNBY

D. BROCK HORNBY

UNITED STATES DISTRICT JUDGE