

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

MARK HENDERSON,)	
)	
PLAINTIFF)	
)	
v.)	CIVIL No. 10-68-P-H
)	
ATLANTIC PELAGIC SEAFOOD, INC.,)	
)	
DEFENDANT)	

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

On March 28, 2011, the United States Magistrate Judge filed with the court, with copies to counsel, his Recommended Findings of Fact and Conclusions of Law on Motion for Default Judgment. The time within which to file objections expired on April 14, 2011, and no objections have been filed. On April 22, 2011, the Magistrate Judge filed an Amendment to his Recommended Findings consisting of four corrections of the date February 11, 2010, changing it to February 11, 2011. The Magistrate Judge notified the parties that failure to object would waive their right to *de novo* review and appeal. I have reviewed and considered the Recommended Decision, together with the entire record; I have made a *de novo* determination of all matters adjudicated by the Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in the Recommended Decision, and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the plaintiff's motion for default judgment is **GRANTED**. Judgment is entered in favor of the plaintiff Mark Henderson against the defendant Atlantic Pelagic Seafood, LLC on Counts I, II and III of the Complaint. Damages are awarded to the plaintiff Mark Henderson as follows: Four Hundred Thousand Dollars (\$400,000) on Count I for pain, suffering and emotional anguish, Seven Thousand Six Hundred Seventy Dollars and Nineteen Cents (\$7,670.19) on Count III for unpaid cure, and Seven Thousand Nine Hundred Dollars (\$7,900) on Count III for maintenance for the period from April 1, 2010, through February 11, 2011, for a total award of Four Hundred Fifteen Thousand Five Hundred Seventy Dollars and Nineteen Cents (\$415,570.19). No damages are awarded on Count II which seeks damages duplicative of those sought in Count I.

SO ORDERED.

DATED THIS 22ND DAY OF APRIL, 2011

/s/D. Brock Hornby
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE (PORTLAND)
CIVIL DOCKET NO. 2:10cv68 (DBH)**

Mark Henderson,

Plaintiff

Represented By **Angela Wong**

Moran, Windes & Wong, PLLC
5608 17th Avenue Northwest
Seattle, WA 98107
(206) 788-3000
email: angela@mwwlaw.net

Graydon Stevens

R. Terrance Duddy

Kelly, Remmel & Zimmerman
P.O. Box 597
Portland, ME 04112-0597
(207) 775-1020
email: gstevens@krz.com
tduddy@krz.com

v.

Atlantic Pelagic Seafood, LLC,

Defendant

Represented By William H. Welte

Welte & Welte, P.A.

13 Wood Street

Camden, ME 04843-2036

(207) 236-7786

email: wwelte@weltelaw.com