

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

MICHELLE R. KAPLAN AND)	
MARK D. KALPAN,)	
)	
PLAINTIFFS)	
)	CIVIL No. 1:14-cv-276-DBH
v.)	
)	
BLUE HILL MEMORIAL HOSPITAL,)	
)	
DEFENDANT)	

**ORDER OVERRULING IN PART THE DEFENDANT’S OBJECTION TO THE
MAGISTRATE JUDGE’S MEMORANDUM OF DECISION**

On September 15, 2015, the United States Magistrate Judge entered a Memorandum of Decision on Defendant’s Assertion of Peer Review Privilege (ECF No. 34). The defendant filed an objection to the Magistrate Judge’s ruling on September 29, 2015 (ECF No. 35), and the plaintiffs responded to the defendant’s objection on October 7, 2015 (ECF No. 37).

The defendant’s objection to the Magistrate Judge’s memorandum of decision on the defendant’s assertion of peer review privilege is **OVERRULED**. The ruling on privilege is neither clearly erroneous nor contrary to law.

To my reading, the Magistrate Judge’s decision dealt solely with the peer review privilege. Indeed, the parties’ legal memoranda to the Magistrate Judge in advance of the ruling were both captioned as “regarding applicability of state peer review privilege.” (ECF Nos. 30, 31.) But the defendant raised an additional argument, that the scope of the records requested was overbroad, even if the

privilege did not apply, and the plaintiffs also addressed that argument. (ECF Nos. 35, 37.) The Magistrate Judge did not address that issue in his ruling, however, and I therefore do not treat the Magistrate Judge as having decided it. That issue is **REMANDED** to the Magistrate Judge for his decision.

SO ORDERED.

DATED THIS 8TH DAY OF OCTOBER, 2015

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

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE (BANGOR)
CIVIL DOCKET NO. 1:14-CV-276-DBH**

Michelle R. Kaplan

and

Mark D. Kaplan,

Plaintiffs

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Blue Hill Memorial Hospital,

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