

UNITED STATES DISTRICT COURT  
District of Maine

VESCOM CORPORATION, )  
)  
Plaintiff, )  
)  
vs. ) Civil No. 01-146-B-S  
)  
AMERICAN HEARTLAND HEALTH )  
ADMINISTRATORS, INC., )  
)  
Defendant and )  
Third Party )  
Plaintiff, )  
and )  
)  
MERRION REINSURANCE )  
COMPANY, LTD., )  
)  
Defendant, )  
v. )  
)  
RODNEY MURPHY and )  
MURPHY & ASSOCIATES, INC., )  
)  
Third Party )  
Defendants. )

ORDER AFFIRMING THE  
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE

The United States Magistrate Judge filed with the Court on January 17, 2003 her Recommended Decision. Plaintiff filed its objections to the Recommended Decision on January 30, 2003 and Defendant American Heartland filed its response to those objections on February 18, 2003. Defendant American Heartland filed its objections to the Recommended Decision on January 31, 2003 and Plaintiff filed its response to those objections on February 13, 2003. I have reviewed and considered the

Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate's Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge is hereby AFFIRMED.
2. It is ORDERED that American Heartland's Motion for Summary Judgment is DENIED with respect to Vescom's ERISA claim, Count I, and its defamation claim, Count V; and GRANTED with respect to Vescom's remaining common law claims, Counts II, III, IV, VI and VII.
3. It is ORDERED that American Heartland's request that the case be referred for arbitration is DENIED.
4. It is further ORDERED that Rodney Murphy and Murphy & Associates, Inc.'s Motion for Summary Judgment is GRANTED.

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GEORGE Z. SINGAL  
U.S. District Court Judge

Dated this 22<sup>nd</sup> day of February, 2003.

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representing

**AMERICAN HEARTLAND HEALTH  
ADMINISTRATORS INC**  
*(Defendant)*

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representing **VESCOM CORPORATION**  
*(Plaintiff)*