

UNITED STATES DISTRICT COURT
District of Maine

CITY OF BANGOR,)	
)	
Plaintiff,)	
)	
vs.)	Civil No. 02-183-B-S
)	
CITIZENS COMMUNICATIONS)	
COMPANY,)	
Defendant/Third Party)	
Plaintiff,)	
vs.)	
)	
NORTHWESTERN GROWTH CORPORATION,)	
et al.)	
Third-party Defendants)	

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

The United States Magistrate Judge filed with the Court on September 22, 2003 her Recommended Decision (Order on Motion to Strike Third-Party Complaint and Recommended Decision on Motion to Dismiss and/or Motion for Summary Judgment filed by Third-Party Defendant, Guilford Transportation, Inc., Docket #140). The Third-Party Defendant Guilford Transportation Industries, Inc. filed its objection to the Recommended Decision on October 15, 2003 (Docket #166) and Third-Party Plaintiff Citizens Communications Company filed its response to that objection on October 31, 2003 (Docket #183). I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the

entire record; I have considered the oral argument of the parties and I have made a de novo determination of all matters adjudicated by the Magistrate 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 (Docket #140). Guilford Transportation Industries, Inc.'s Motion to Strike Third-Party Complaint is DENIED (Docket #166) and Guilford Transportation Industries, Inc.'s Motion to Dismiss and/or Motion for Summary Judgment is DENIED (Docket #47).

/s/ George Z. Singal
Chief U.S. District Judge

Dated this 1st day of December 2003.

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V.

ThirdParty Defendant

**NORTH AMERICAN UTILITY
CONSTRUCTION CORP**

ThirdParty Plaintiff

**CITIZENS COMMUNICATIONS
COMPANY**

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BANGOR, CITY OF

Counter Claimant

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Counter Defendant

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Cross Defendant

**HONEYWELL INTERNATIONAL
INC**

Counter Claimant

**BARRETT PAVING MATERIALS
INC**

Counter Defendant

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Counter Claimant

**BARRETT PAVING MATERIALS
INC**

Counter Defendant

BANGOR, CITY OF

Cross Claimant

**BARRETT PAVING MATERIALS
INC**

Cross Defendant

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**CENTERPOINT ENERGY
RESOURCES CORP**

DEAD RIVER COMPANY

**GUILFORD TRANSPORTATION
INDUSTRIES, INC**

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**NORTH AMERICAN UTILITY
CONSTRUCTION CORP**

UGI UTILITIES INC

**UNITED STATES ARMY CORPS
OF ENGINEERS**

Cross Claimant

BEAZER EAST INC

Cross Defendant

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INC**

**CENTERPOINT ENERGY
RESOURCES CORP**

DEAD RIVER COMPANY

**GUILFORD TRANSPORTATION
INDUSTRIES, INC**

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INC**

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COMPANY**

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**NORTH AMERICAN UTILITY
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UGI UTILITIES INC

**UNITED STATES ARMY CORPS
OF ENGINEERS**

Cross Claimant

UGI UTILITIES INC

Cross Defendant

**BARRETT PAVING MATERIALS
INC**

BEAZER EAST INC

**CENTERPOINT ENERGY
RESOURCES CORP**

DEAD RIVER COMPANY

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INDUSTRIES, INC**

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UNITED STATES ARMY CORPS

OF ENGINEERS

Cross Claimant

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**NORTHWESTERN GROWTH
CORPORATION**
TERMINATED: 10/01/2003

**S E MACMILLAN COMPANY
INC**

TERMINATED: 11/07/2003

UGI UTILITIES INC

**UNITED STATES ARMY CORPS
OF ENGINEERS**

Cross Claimant

**HONEYWELL INTERNATIONAL
INC**

V.

Cross Defendant

**BARRETT PAVING MATERIALS
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**NORTHWESTERN GROWTH
CORPORATION**

TERMINATED: 10/01/2003

**S E MACMILLAN COMPANY
INC**

TERMINATED: 11/07/2003

UGI UTILITIES INC

**UNITED STATES ARMY CORPS
OF ENGINEERS**

Counter Claimant

**HONEYWELL INTERNATIONAL
INC**

V.

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**BARRETT PAVING MATERIALS
INC**

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Cross Claimant

**HONEYWELL INTERNATIONAL
INC**

V.

Cross Defendant

**BARRETT PAVING MATERIALS
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BEAZER EAST INC

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**UNITED STATES ARMY CORPS
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**HONEYWELL INTERNATIONAL
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