

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,)	
f/b/o Doten's Construction, Inc.,)	
Plaintiff,)	
)	
v.)	Civil No. 03-134-P-S
)	
JMG EXCAVATING & CONSTRUCTION)	
CO., INC., et al.,)	
Defendants)	
and)	
)	
GREENWICH INSURANCE COMPANY,)	
Third-Party Plaintiff)	
v.)	
)	
JMG EXCAVATING & CONSTRUCTION)	
CO., INC., et als.,)	
Third-Party Defendants)	

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

No objections having been filed to the Magistrate Judge's Recommended Decision (Docket No. 63) filed July 16, 2004, the Recommended Decision is accepted.

In accordance with the Recommended Decision, the Court ORDERS that JUDGMENT against the named Third-Party Defendants and in favor of Greenwich Insurance Company be entered on Counts I – VI of the Third-Party Complaint (Docket No. 21). The Court also ORDERS that JUDGMENT in favor of Greenwich Insurance Company be entered on Counts I and III of the Amended Cross-Claims of Defendant JMG Excavating & Construction Co., Inc. (Docket No. 24). The Court declares Count VII of the Third-Party Complaint (Docket No. 21) as MOOT.

/s/ George Z. Singal
Chief United States District Judge

Dated this 4th day of August, 2004

UNITED STATES OF represented by **NEAL F. PRATT**

*AMERICA, for the use and
benefit of*

VERRILL & DANA
1 PORTLAND SQUARE
P.O. BOX 586
PORTLAND, ME 04112-0586
(207) 774-4000
Email: npratt@verrilldana.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

obo
**DOTENS CONSTRUCTION
INCORPORATED**

V.

Intervenor Plaintiff

RITA M. FARRY
KIMMEL & BEACH
62 PORTLAND ROAD
KENNEBUNK, ME 4043
985-4160
Email:
rmf@kimmelbeach.psemail.com
ATTORNEY TO BE NOTICED

Bankrupt Party

**J A JONES MANAGEMENT
SERVICES INC**

represented by **DEBRA L. BROWN**
MARCUS, CLEGG &
MISTRETTA, P.A.
100 MIDDLE STREET
EAST TOWER, 4TH FLOOR
PORTLAND, ME 4101-4102
(207) 828-8000
Email: dbrown@mcm-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

LEE H. BALS

MARCUS, CLEGG &
MISTRETTA, P.A.
100 MIDDLE STREET
EAST TOWER, 4TH FLOOR
PORTLAND, ME 4101-4102
(207) 828-8000
Email: lbals@mcm-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

PAUL E. CHRONIS
MCDERMOTT, WILL &
EMERY
227 WEST MONROE STREET
SUITE 4400
CHICAGO, IL 60606
312-372-2000
Email: pchronis@mwe.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**JMG EXCAVATING &
CONSTRUCTION CO INC**

represented by **CHARLES D.
MANDRACCHIA**
MANDRACCHIA & MODESTI,
LLC
4402 SKIPPACK PIKE
P.O. BOX 1229
SKIPPACK, PA 19474
610-584-0700
Fax : 610-584-0507
Email: cman@mmlaw.tv
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

LOUIS B. BUTTERFIELD
BERNSTEIN, SHUR, SAWYER,
& NELSON
100 MIDDLE STREET
P.O. BOX 9729
PORTLAND, ME 04104-5029

207-774-1127
Email: lbutterfield@bssn.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

**FIREMANS FUND
INSURANCE COMPANY**

represented by **DEBRA L. BROWN**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

PAUL E. CHRONIS
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

LEE H. BALS
(See above for address)
ATTORNEY TO BE NOTICED

**GREENWICH INSURANCE
COMPANY**

represented by **CHRISTOPHER A.D. HUNT**
CETRULO & CAPONE
TWO SEAPORT LANE
10TH FLOOR
BOSTON, MA 02210
(617) 217-5500
Email: chunt@cetcap.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

BRADFORD R. CARVER
CETRULO & CAPONE
TWO SEAPORT LANE
10TH FLOOR
BOSTON, MA 02210
(617) 217-5500
Email: bcarver@cetcap.com
ATTORNEY TO BE NOTICED

ERIC H. LOEFFLER

CETRULO & CAPONE
TWO SEAPORT LANE
10TH FLOOR
BOSTON, MA 02210
617-217-5500
Email: eloeffler@cetcap.com
ATTORNEY TO BE NOTICED

Cross Claimant

**J A JONES MANAGEMENT
SERVICES INC, *See Suggestion
of Bankruptcy #31***

represented by **DEBRA L. BROWN**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

LEE H. BALS
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

PAUL E. CHRONIS
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Cross Defendant

**JMG EXCAVATING &
CONSTRUCTION CO INC**

represented by **CHARLES D.
MANDRACCHIA**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

LOUIS B. BUTTERFIELD
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Claimant

**JMG EXCAVATING &
CONSTRUCTION CO INC**

represented by **CHARLES D.
MANDRACCHIA**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

LOUIS B. BUTTERFIELD
(See above for address)
ATTORNEY TO BE NOTICED

V.

Cross Defendant

**FIREMANS FUND
INSURANCE COMPANY**

represented by **DEBRA L. BROWN**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

LEE H. BALS
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

PAUL E. CHRONIS
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

**J A JONES MANAGEMENT
SERVICES INC, *See Suggestion
of Bankruptcy #31***

represented by **DEBRA L. BROWN**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

LEE H. BALS

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

PAUL E. CHRONIS
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ThirdParty Plaintiff

**GREENWICH INSURANCE
COMPANY**

represented by **CHRISTOPHER A.D. HUNT**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

BRADFORD R. CARVER
(See above for address)
ATTORNEY TO BE NOTICED

ERIC H. LOEFFLER
(See above for address)
ATTORNEY TO BE NOTICED

V.

ThirdParty Defendant

BRIAN D GRO

represented by **LOUIS B. BUTTERFIELD**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

**CHARLES D.
MANDRACCHIA**
(See above for address)
ATTORNEY TO BE NOTICED

JUDITH M GRO

represented by **LOUIS B. BUTTERFIELD**

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

**CHARLES D.
MANDRACCHIA**
(See above for address)
ATTORNEY TO BE NOTICED

**CROWN PERFORMANCE
CORPORATION**

represented by **LOUIS B. BUTTERFIELD**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

**CHARLES D.
MANDRACCHIA**
(See above for address)
ATTORNEY TO BE NOTICED

**JMG EXCAVATING &
CONSTRUCTION CO INC**

represented by **CHARLES D.
MANDRACCHIA**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

LOUIS B. BUTTERFIELD
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Claimant

**JMG EXCAVATING &
CONSTRUCTION CO INC**

represented by **CHARLES D.
MANDRACCHIA**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

LOUIS B. BUTTERFIELD

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Cross Defendant

**FIREMANS FUND
INSURANCE COMPANY**

**GREENWICH INSURANCE
COMPANY**

represented by **CHRISTOPHER A.D. HUNT**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

BRADFORD R. CARVER
(See above for address)
ATTORNEY TO BE NOTICED

ERIC H. LOEFFLER
(See above for address)
ATTORNEY TO BE NOTICED

**J A JONES MANAGEMENT
SERVICES INC**

Cross Claimant

**J A JONES MANAGEMENT
SERVICES INC**

represented by **DEBRA L. BROWN**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

PAUL E. CHRONIS
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Cross Defendant

**JMG EXCAVATING &
CONSTRUCTION CO INC**