

UNITED STATES DISTRICT COURT  
District of Maine

KATHLEEN DAVIS, )  
 )  
 Plaintiff, )  
 v. ) Criminal No. 04-07-P-S  
 )  
 VERIZON NEW ENGLAND, INC., )  
 et al., )  
 Defendants )

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

The United States Magistrate Judge filed with the Court on September 22, 2004, his Recommended Decision (Docket No. 74). Plaintiff filed her Objection to the Recommended Decision (Docket No. 75) on October 12, 2004 and Defendants filed their Objection to Recommended Decision (Docket No. 76) on October 29, 2004. 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 Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore ORDERED that the Recommended Decision (Docket No. 74) of the Magistrate Judge is hereby AFFIRMED.
2. Defendants' Motion to Dismiss (Docket No. 64) is GRANTED as to Count II and as to claims asserted Against Defendant Metropolitan Life Insurance Company in Count I and otherwise DENIED.

/s/ George Z. Singal\_\_\_\_\_

Chief U.S. District Judge

Dated this 2<sup>nd</sup> day of November, 2004.

**KATHLEEN DAVIS**

represented by **NICHOLAS BULL**  
THOMPSON, BULL, FUREY, BASS  
& MACCOLL, LLC, P.A.  
120 EXCHANGE STREET  
P.O. BOX 447  
PORTLAND, ME 4112-447  
774-7600  
Email: nbull@thomport.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**BRADFORD R. BOWMAN**  
THOMPSON, BULL, FUREY, BASS  
& MACCOLL, LLC, P.A.  
120 EXCHANGE STREET  
P.O. BOX 447  
PORTLAND, ME 4112-447  
774-7600  
Email: bbowman@thomport.com  
*ATTORNEY TO BE NOTICED*

**VERIZON NEW ENGLAND  
INCORPORATED**

represented by **MARTHA DYE**  
O'MELVENY & MYERS  
1625 EYE STREET, N.W.  
WASHINGTON, DC 20006  
202-383-5300  
Email: mdye@omm.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**GERALDINE G. SANCHEZ**  
PIERCE, ATWOOD LLP  
ONE MONUMENT SQUARE  
PORTLAND, ME 04101-1110  
791-1100  
Email: gsanchez@pierceatwood.com  
*ATTORNEY TO BE NOTICED*

**MARK E. PORADA**

PIERCE, ATWOOD LLP  
ONE MONUMENT SQUARE  
PORTLAND, ME 04101-1110  
791-1100  
Email: mporada@pierceatwood.com  
*ATTORNEY TO BE NOTICED*

**METROPOLITAN LIFE  
INSURANCE COMPANY**

represented by **MARTHA DYE**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**GERALDINE G. SANCHEZ**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**MARK E. PORADA**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**VERIZON EMPLOYEE BENEFITS  
COMMITTEE**

represented by **MARTHA DYE**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**MARK E. PORADA**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**CHAIRPERSON OF THE  
VERIZON EMPLOYEE BENEFITS  
COMMITTEE**

represented by **MARTHA DYE**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**MARK E. PORADA**  
(See above for address)  
*ATTORNEY TO BE NOTICED*