

**UNITED STATES DISTRICT COURT
District of Maine**

UNITED STATES OF AMERICA f/b/o)
DOTEN'S CONSTRUCTION., INC.)

Plaintiff)

v.)

JMG EXCAVATING & CONSTRUCTION)
CO., INC. et al)

Defendants)

Civil No. 03-134-P-S

GREENWICH INSURANCE COMPANY,)

Third-Party Plaintiff)

v.)

JMG EXCAVATING & CONSTRUCTION)
CO., INC., et al.)

Third-Party Defendants)

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

The United States Magistrate Judge filed with the Court on November 4, 2005, his Recommended Decision (Docket No. 271). JMG Excavating & Construction Co., Inc. and other Third-Party Defendants, Crown Performance Corporation, Judith M. Gro and Brian D. Gro filed their Objection to the Recommended Decision (Docket No. 272) on November 14, 2005. Third-Party Plaintiff, Greenwich

Insurance Company, filed its Response to Objection (Docket No. 273) on December 2, 2005.

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 of the Magistrate Judge is hereby AFFIRMED.
2. Greenwich's Motion in *Limine* (Docket No. 262) is DENIED. Greenwich is awarded Attorney damages in the amount of \$88,681.96 (the claim of \$95,623.96, Greenwich Findings, paragraph 43, minus the \$6,942 attributable to its attempts to obtain a portion of the settlement funds due to JMG Excavating & Construction Co., Inc. from Fireman's Fund Insurance Co.). Greenwich may file a further request for reimbursement from the third-party defendants for the costs incurred in connection with this damages proceeding, but not in connection with the motion in *limine*.

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

Dated this 5th day of December, 2005.

UNITED STATES OF AMERICA
for the use and benefit of
on behalf of
DOTENS CONSTRUCTION
INCORPORATED

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