

**UNITED STATES DISTRICT COURT
District of Maine**

GLENWOOD FARMS, INC.)
CARRABASSETT SPRING WATER)
COMPANY, INC. and TEAR OF THE)
CLOUDS LLC,)

Plaintiffs)

v.)

GARVE IVEY, THOMAS M. SOBOL,)
IVEY & RAGSDALE (a partnership),)
HAGENS HERMAN, LLP and STEVEN)
BERMAN,)

Defendants)

Civil No. 03-217-P-S

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

The United States Magistrate Judge filed with the Court on October 20, 2005, his Recommended Decision (Docket No. 334). Plaintiffs Glenwood and Carrabasset filed their Objection to the Recommended Decision (Docket No. 338) on November 1, 2005. Plaintiff Tear of the Clouds LLC filed its objection (Docket No. 341) on November 7, 2005. Defendants Berman, Ivey, Sobol, Ivey & Ragsdale, Hagens & Berman filed their Objection (Docket No. 342) on November 7, 2005 and their Response to Objection (Docket No. 345) on November 18, 2005. Plaintiffs Glenwood and Carrabasset filed their Response to Objection (Docket No. 346) on November 21, 2005. Plaintiff Tear of the Clouds filed its Response to Objection (Docket No. 347) on November 23, 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.
 - i. The Motion of Plaintiffs Glenwood Farms, Inc. and Carrabassett Spring Water Company, Inc. for partial summary judgment on certain affirmative defenses (Docket No. 252) is GRANTED as to Affirmative Defense No. 16 in the answer filed by Defendants Thomas M. Sobol, Steven W. Berman and Hagens Berman Sobol Shapiro LLP and otherwise is DENIED.
 - ii. The other Motions of Plaintiffs Glenwood Farms, Inc. and Carrabassett Spring Water Company, Inc. for partial summary judgment (Docket Nos. 162, 255, 258 and 268) are DENIED.
 - iii. The Motion of Plaintiff Tear of the Clouds LLC for partial summary judgment (Docket No. 261) is DENIED.
 - iv. The Motion of Defendants Sobol, Berman and Hagens Berman Sobol Shapiro LLP for summary judgment (Docket No. 260) is GRANTED as to Counts 7 and 23 of the Amended Complaint brought by Glenwood and Carrabassett (Docket No. 119) and Count 7 of the Complaint filed by Tear of the Clouds LLC (Docket No. 1 in CV-05-30-P-S); and is otherwise DENIED.
 - v. The Motion for Summary Judgment of Defendants Ivey and Ivey & Ragsdale (Docket No. 262) is DENIED.

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

Dated this 20th day of December, 2005.

TEAR OF THE CLOUDS LLC

represented by **LEE H. BALS**
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(207) 828-8000

Plaintiff

GLENWOOD FARMS INCORPORATED

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THEODORE H. IRWIN
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WILLIAM D. ROBITZEK
BERMAN & SIMMONS, P.A.
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Plaintiff

**CARRABASSETT SPRING WATER
COMPANY INCORPORATED**

represented by **ROBERT M. MORRIS**
THEODORE H. IRWIN
WILLIAM D. ROBITZEK

Defendant

GARVE IVEY

represented by **HARRISON L. RICHARDSON**
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BADGER
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ELIZABETH G. STOUDE
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Defendant

THOMAS M SOBOL

represented by **PETER J. DETROY, III**
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RUSSELL PIERCE

Defendant

IVEY & RAGSDALE

represented by HARRISON L. RICHARDSON
RUSSELL PIERCE

ELIZABETH G. STOUDE

Defendant

HAGENS & BERMAN LLP

represented by PETER J. DETROY, III
RUSSELL PIERCE

Defendant

STEVEN W BERMAN

represented by PETER J. DETROY, III

RUSSELL PIERCE

Counter Claimant

HAGENS & BERMAN LLP

represented by PETER J. DETROY, III

Counter Claimant

THOMAS M SOBOL

represented by PETER J. DETROY, III

V.

Counter Defendant

CARRABASSETT SPRING WATER
COMPANY INCORPORATED

represented by ROBERT M. MORRIS

THEODORE H. IRWIN

Counter Defendant

GLENWOOD FARMS INCORPORATED

represented by ROBERT M. MORRIS
THEODORE H. IRWIN

Counter Claimant

GARVE IVEY

represented by HARRISON L. RICHARDSON

Counter Claimant

IVEY & RAGSDALE

represented by HARRISON L. RICHARDSON

V.

Counter Defendant

CARRABASSETT SPRING WATER
COMPANY INCORPORATED

represented by THEODORE H. IRWIN

Counter Defendant

GLENWOOD FARMS INCORPORATED

represented by THEODORE H. IRWIN

V.

Cross Claimant

THOMAS M SOBOL

Cross Claimant

HAGENS & BERMAN LLP

V.

Cross Defendant

GARVE IVEY

represented by HARRISON L. RICHARDSON

Cross Defendant

IVEY & RAGSDALE

represented by HARRISON L. RICHARDSON

Cross Claimant

STEVEN W BERMAN

V.

Cross Defendant

GARVE IVEY

Cross Defendant

IVEY & RAGSDALE

Cross Claimant

STEVEN W BERMAN

V.

Cross Defendant

GARVE IVEY

Cross Defendant

IVEY & RAGSDALE