

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA)	
f/b/o IRVING EQUIPMENT, INC.,)	
)	
Plaintiff,)	
)	Civil No. 05-215-P-S
v.)	
)	
JAMES N. GRAY CO., et al.,)	
)	
Defendants)	

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

No objections having been filed to the Magistrate Judge's Recommended Decision (Docket No. 30) filed December 13, 2005, the Recommended Decision is AFFIRMED.

Accordingly, it is ORDERED that Defendants' Motion to Dismiss (Docket No. 8) is DENIED and their Motion for Summary Judgment (Docket No. 11) is GRANTED as to Counts I and II.

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

Dated this 5th day of January, 2006.

IRVING EQUIPMENT INC
UNITED STATES OF AMERICA
for the use and benefit of

represented by **CHARLES F. BUDD**
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KIRT A NEWTON
doing business as
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Defendant

**TRAVELERS CASUALTY
AND SURETY COMPANY**

represented by **HAL J. PERLOFF**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

AARON P. BURNS