

**UNITED STATES DISTRICT COURT  
District of Maine**

<b>KAYSE EICHELBERGER, et al,</b>	)	
	)	
	)	
v.	)	
	)	<b>**Civil No. 07-82-P-S</b>
<b>NORTHERN OUTDOORS, INC., et al,</b>	)	
	)	
<b>Defendants</b>	)	
	)	
	)	

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

The United States Magistrate Judge filed with the Court on October 4, 2007, his Recommended Decision (Docket No. 34). Plaintiffs filed their Objection to the Recommended Decision (Docket No. 36) on October 22, 2007. Defendant Michael Harding filed his response to Plaintiffs' Objection (Docket No. 39) on November 6, 2007. Defendant Northern Outdoors, Inc. filed its response to Plaintiffs' Objection (Docket No. 40) on November 8, 2007.

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. It is hereby **ORDERED** that Plaintiffs' Motion to Amend Complaint (Docket No. 23) is **GRANTED** insofar as it seeks to withdraw claims of loss of consortium, and is other **DENIED**.
3. It is hereby **ORDERED** that Defendant Northern Outdoors, Inc.'s Motion to Dismiss (Docket No. 12) is **GRANTED** as to Count III and that portion of Count I that may reasonably be construed to allege a claim of negligent supervision and is otherwise **DENIED**.
4. It is hereby **ORDERED** that Plaintiffs shall file an Amended Complaint within 5 business days of the date hereof.

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

Dated: November 15, 2007

**Plaintiff**

**KAYSE EICHELBERGER**  
*by her mother and next friend*  
*Cynthia Eichelberger*  
*TERMINATED: 06/05/2007*

represented by **EDWARD J MCCORMICK, III**  
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**Plaintiff**

**DAVID EICHELBERGER**

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**Plaintiff**

**CINDY EICHELBERGER**

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**Plaintiff**

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V.

**Defendant**

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**Defendant**

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**Counter Claimant**

**NORTHERN OUTDOORS INC**

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V.

**Counter Defendant**

**CINDY EICHELBERGER**

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**Counter Defendant**

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**Counter Defendant**

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