

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

JASON CURTIS,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 07-cv-196-P-S
)	
SULLIVAN TIRE, INC.,)	
)	
)	
Defendant.)	

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

On August 26, 2008, the United States Magistrate Judge filed with the Court his Recommended Decision on Defendant’s Motion for Summary Judgment (Docket # 27). On September 15, 2008, Defendant filed its Objection to the Recommended Decision (Docket # 28). On October 2, 2008, Plaintiff filed his Opposition to Defendant’s Objection to the Recommended Decision (Docket # 29).

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, with the exception of one recommended finding regarding the underlying record,¹ I concur with the

¹ The parties now agree that Plaintiff was terminated on December 21 or 22, 2006. Judge Rich concluded “that the plaintiff testified that the first time he tried to call Funder was on December 20, which he ‘believe[d],’ incorrectly, was the day he was terminated.” (Recommended Decision (Docket # 27) at 8 n.3.) However, the record excerpts cited by both parties reflect that Plaintiff testified that he first attempted to call Mr. Funder after his termination, which he believed, incorrectly, had occurred on December 20. (See Curtis Dep. (Docket # 10) at 155:2-14, 172:9-18; Def.’s Statement of Material Facts (Docket # 16) ¶ 129; Pl.’s Opp’n to Def.’s Statement of Material Facts (Docket # 21) ¶ 129.) Therefore, the Court finds that Plaintiff first attempted to call Funder after he was terminated on December 21 or 22, 2006. Nevertheless, this finding does not disturb the Magistrate Judge’s ultimate recommendation regarding

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 Defendant's Motion for Summary Judgment (Docket # 14) is **GRANTED IN PART** and **DENIED IN PART**.

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

Dated this 27th day of October, 2008.

disposition of Plaintiff's retaliation claim for the reasons set forth in the Recommended Decision. (See Recommended Decision (Docket # 27) at 16-17.)

Plaintiff

JASON CURTIS

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V.

Defendant

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