

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

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

ORDER OF CLARIFICATION

In his state court complaint, Plaintiff apparently requested a jury trial. (See Docket # 1-3 at 1 & Docket # 5 at 3.) However, the Jury Demand box was not checked on the Civil Cover Sheet (Docket # 2) and this case was not docketed to reflect Plaintiff's jury demand. Consequently, Magistrate Judge Cohen indicated that a jury trial was not demanded in his Scheduling Order (Docket # 9) and Judge Rich observed that "[t]he plaintiff has not requested a jury trial" in his Recommended Decision. (Docket # 27 at 10 n.5.) Neither party brought this discrepancy to the attention of either Magistrate Judge or the Court.¹

In light of Plaintiff's original jury demand, this case will be listed as a jury trial on the Court's January 2009 civil trial list. To the extent that either party believes that Plaintiff's request for a jury trial has been waived, it shall file an objection to this Order by November 7, 2008. If any objection is filed, responses may be filed on or before November 14, 2008.

SO ORDERED.

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

Dated this 31st day of October, 2008.

¹ To the extent the Court has discovered this discrepancy after filing its Order Affirming the Recommended Decision of the Magistrate Judge (Docket # 30), the Court notes that it no longer adopts the observation contained in footnote 5 of the Recommended Decision (Docket # 27).

Plaintiff

JASON CURTIS

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V.

Defendant

SULLIVAN TIRE INC

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