

**UNITED STATES DISTRICT COURT  
District of Maine**

<b>NORTH CREEK FARM, INC.,</b>	)	
	)	
<b>Plaintiff</b>	)	
	)	
<b>v.</b>	)	<b>Civil No. 08-43-P-S</b>
	)	
<b>INHABITANTS OF THE TOWN OF PHIPPSBURG, et al,</b>	)	
	)	
<b>Defendant</b>	)	

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

The United States Magistrate Judge filed with the Court on January 8, 2009, his Recommended Decision (Docket No. 56). Plaintiff filed its Objection to the Recommended Decision (Docket No. 57) on January 16, 2009. Defendants filed their Response to Plaintiff's Objection to the Recommended Decision (Docket No. 58) on February 4, 2009.

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 Defendant David Barnes' Motion for Summary Judgment (Docket No. 20) is **GRANTED**.

3. It is hereby **ORDERED** that Defendant Inhabitants of the Town of Phippsburg's Motion for Summary Judgment (Docket No. 21) is **GRANTED**.
4. It is hereby **ORDERED** that Defendant Rainey Leighton's Motion for Summary Judgment (Docket No. 22) is **GRANTED**.
5. It is hereby **ORDERED** that Defendant Marie Varian's Motion for Summary Judgment (Docket No. 23) is **GRANTED**.
6. It is hereby **ORDERED** that Defendant Michael Young's Motion for Summary Judgment (Docket No. 24) is **GRANTED**.

/s/George Z. Singal

U.S. District Judge

Dated: February 6, 2009

**Plaintiff**

**NORTH CREEK FARM INC**

represented by **ELIOT FIELD**  
11 SUMMER STREET  
PO BOX 583  
WISCASSET , ME 04578-0583  
207-882-9446  
Fax: 207-882-9447  
Email: eliot@fieldlaw.us  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**INHABITANTS OF THE TOWN  
OF PHIPPSBURG**

represented by **MICHAEL E. SAUCIER**  
THOMPSON & BOWIE  
3 CANAL PLAZA  
P.O. BOX 4630  
PORTLAND , ME 04112  
774-2500  
Email:  
msaucier@thompsonbowie.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**RAINEY LEIGHTON**

represented by **MICHAEL E. SAUCIER**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**MARIE VARIAN**

represented by **MICHAEL E. SAUCIER**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**DAVID BARNES**

represented by **MICHAEL E. SAUCIER**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**MICHAEL YOUNG**

represented by **MICHAEL E. SAUCIER**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*