

**UNITED STATES DISTRICT COURT
District of Maine**

ELLEN TOBIN and JAMES TOBIN)
Individually and as parents and next)
Friends of W. T., a minor,)

Plaintiffs

v.

NATIONAL GRANGE MUTUAL)
INS. CO., a/k/a NGM INSURANCE)
COMPANY,)

Defendant

Civil No. 09-117-B-S

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

The United States Magistrate Judge filed with the Court on June 15, 2009, her Recommended Decision (Docket No. 16) which was amended on June 15, 2009 (Docket No. 18). Plaintiffs' filed their Objection to the Recommended Decision (Docket No. 20) on June 24 2009. Party-in-Interest, Kathleen Summers, filed her objection to the Recommended Decision (Docket No. 21) on June 25, 2009. Defendant filed a Response to Plaintiffs' Objection to the Recommended Decision (Docket No. 22) on July 13, 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 her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Amended Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
2. It is hereby **ORDERED** that Defendant's Motion to Dismiss (Docket No. 6) is **GRANTED**.
3. It is also hereby **ORDERED** that Plaintiffs' Motion for Certification of Question of Law (Docket No. 14) is **DENIED**.

/s/George Z. Singal
United States District Judge

Dated: July 23, 2009

Plaintiff

ELLEN TOBIN

*Individually and as parent and next
of friend of minor child WT*

represented by **N. LAURENCE WILLEY , JR.**

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LEAD ATTORNEY

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

JAMES TOBIN

*Individually and as parent and next
of friend of minor child WT*

represented by **N. LAURENCE WILLEY , JR.**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

THOMAS M. MATZILEVICH
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**NATIONAL GRANGE MUTUAL
INSURANCE COMPANY**
also known as
NGM INSURANCE COMPANY

represented by **TERESA M. CLOUTIER**
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Interested Party

KATHLEEN SUMMERS

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