

**UNITED STATES DISTRICT COURT  
District of Maine**

<b>TODD R. RICH,</b>	)	
	)	
<b>Plaintiff</b>	)	
	)	
<b>v.</b>	)	<b>No. 2:10-cv-300-GZS</b>
	)	
<b>GEORGE LAPOINTE,</b>	)	
	)	
<b>Defendant</b>	)	
	)	

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

The United States Magistrate Judge filed with the Court on May 30, 2011, his Recommended Decision (Docket No. 26). Plaintiff filed his Objection to the Recommended Decision (Docket No. 28) on June 7, 2011. Defendant filed his Response to Plaintiff's Objection to the Recommended Decision (Docket No. 31) on June 21, 2011.

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's Motion to Dismiss ( Docket No. 11) is **GRANTED** as to Count Two of the Complaint and is otherwise **DENIED**.

3. It is hereby **ORDERED** that Defendant's Motion for Summary Judgment (Docket No. 11) is **GRANTED** as to Count One of the Complaint, the only remaining count.
4. It is hereby **ORDERED** that Plaintiff's Motion for Partial Summary Judgment (Docket No. 15) is **DENIED**.

/s/George Z. Singal

U.S. District Judge

Dated this 24<sup>th</sup> day of June, 2011.

**Plaintiff**

**TODD R RICH**

represented by **NICHOLAS H. WALSH**  
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*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**GEORGE LAPOINTE**

represented by **WILLIAM R. FISHER**  
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