

**UNITED STATES DISTRICT COURT
District of Maine**

ALICE SMITH,)	
)	
Plaintiff)	
)	
v.)	No. 2:10-cv-60-GZS
)	
FAIRBANK FARMS, INC., et al.,)	
)	
Defendants and Third- Party Plaintiffs)	
)	
v.)	
)	
GREATER OMAHA PACKING COMPANY, INC.,)	
)	
Third-Party Defendant)	

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

The United States Magistrate Judge filed with the Court on May 31, 2011, his Recommended Decision (Docket No. 182). Third-Party Defendant Greater Omaha Packing Company, Inc. filed its Objection to the Recommended Decision on Motions for Summary Judgment (Docket No. 189) on June 17, 2011. Third-Party Defendant Greater Omaha Packing Company, Inc. filed its Objection to the Recommended Decision on Motion to Exclude Expert Opinion (Docket No. 191) on June 17, 2011. Defendants and Third-Party Plaintiffs Fairbank Farms, Inc., et al filed its Response to Third-Party Defendant's Objections to the Recommended Decision on Motion to Exclude Expert Opinion (Docket No. 196) on July 1, 2011. Defendants and Third-Party Plaintiffs Fairbank Farms, Inc., et al filed its Response to Third-Party Defendant's Objections to the Recommended Decision on Motions for Summary Judgment (Docket No. 198) on July 1, 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 **ORDERED** that the Motion for Summary Judgment (Docket No. 91) filed by Defendants and Third-Party Plaintiffs Fairbank Farms, Inc., et al is **DENIED**.
3. It is **ORDERED** that the Motion for Summary Judgment or, in the Alternative, Partial Summary Judgment (Docket No. 92) filed by Third-Party Defendant Greater Omaha Packing Company, Inc. is **DENIED**.

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

Dated this 7th day of July, 2011.

Plaintiff

ALICE SMITH
TERMINATED: 03/11/2011

represented by **DAVID W. BABCOCK**
MARLER CLARK
1301 2ND AVENUE
SUITE 2800
SEATTLE, WA 98101
206-346-1885
Email: dbabcock@marlerclark.com
ATTORNEY TO BE NOTICED

PETER C. FELMLY
DRUMMOND WOODSUM
84 MARGINAL WAY
SUITE 600
PORTLAND, ME 04101-2480
(207) 772-1941
Email: pfelmly@dwmlaw.com
ATTORNEY TO BE NOTICED

WILLIAM D. MARLER
MARLER CLARK LLP PS
701 FIFTH AVENUE
SUITE 6600
SEATTLE, WA 98104
(206) 346-1984
Email: bmarler@marlerclark.com
ATTORNEY TO BE NOTICED

V.

Defendant

FAIRBANK FARMS INC
TERMINATED: 03/11/2011

represented by **ELIZABETH G. KNOX PECK**
THOMPSON & BOWIE, LLP
THREE CANAL PLAZA
P.O. BOX 4630
PORTLAND, ME 04112
774-2500
Email: epeck@thompsonbowie.com
ATTORNEY TO BE NOTICED

PAUL C. CATSOS
THOMPSON & BOWIE, LLP
THREE CANAL PLAZA
P.O. BOX 4630
PORTLAND, ME 04112
207-774-2500
Email: pcatsos@thompsonbowie.com
ATTORNEY TO BE NOTICED

RALPH A. WEBER
GASS WEBER MULLINS LLC
309 NORTH WATER STREET
SUITE 700
MILWAUKEE, WI 53202
(414) 224-7698
Email:
weber@gasswebermullins.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

SHAWN K. STEVENS
GASS WEBER MULLINS LLC
309 NORTH WATER STREET

SUITE 700
MILWAUKEE, WI 53202
(414) 224-7784
Email:
stevens@gasswebermullins.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

**FAIRBANK RECONSTRUCTION
CORP**

TERMINATED: 03/11/2011

doing business as

FAIRBANK FARMS

TERMINATED: 03/11/2011

represented by **ELIZABETH G. KNOX PECK**
(See above for address)
ATTORNEY TO BE NOTICED

PAUL C. CATSOS
(See above for address)
ATTORNEY TO BE NOTICED

RALPH A. WEBER
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

SHAWN K. STEVENS
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

ThirdParty Defendant

**GREATER OMAHA PACKING
COMPANY INC**

represented by **ALISON DENHAM**
DOUGLAS, DENHAM, BUCCINA
& ERNST
103 EXCHANGE STREET
P.O. BOX 7108
PORTLAND, ME 04112-7108
207-774-1486
Email: adenham@dougden.com
ATTORNEY TO BE NOTICED

BRIAN DAVID NOLAN
NOLAN, OLSON & STRYKER,
P.C., L.L.O.
TWO OLD MILL
SUITE 240
10855 WEST DODGE ROAD
OMAHA, NE 68154

402-932-5126
Email: bnolan@nolanolson.com
ATTORNEY TO BE NOTICED

MARTICA S. DOUGLAS
DOUGLAS, DENHAM, BUCCINA
& ERNST
103 EXCHANGE STREET
P.O. BOX 7108
PORTLAND, ME 04112-7108
207-774-1486
Email: mdouglas@dougden.com
ATTORNEY TO BE NOTICED

SUSAN LESLIE STRYKER
NOLAN, OLSON & STRYKER,
P.C., L.L.O.
TWO OLD MILL
SUITE 240
10855 WEST DODGE ROAD
OMAHA, NE 68154
402-932-5126
Email: sstryker@nolanolson.com
ATTORNEY TO BE NOTICED

ThirdParty Plaintiff

**FAIRBANK RECONSTRUCTION
CORP**

represented by **ELIZABETH G. KNOX PECK**
(See above for address)
ATTORNEY TO BE NOTICED

PAUL C. CATSOS
(See above for address)
ATTORNEY TO BE NOTICED

RALPH A. WEBER
(See above for address)
ATTORNEY TO BE NOTICED

SHAWN K. STEVENS
(See above for address)
ATTORNEY TO BE NOTICED

ThirdParty Plaintiff

FAIRBANK FARMS INC

represented by **ELIZABETH G. KNOX PECK**
(See above for address)

ATTORNEY TO BE NOTICED

PAUL C. CATSOS

(See above for address)

ATTORNEY TO BE NOTICED

RALPH A. WEBER

(See above for address)

ATTORNEY TO BE NOTICED

SHAWN K. STEVENS

(See above for address)

ATTORNEY TO BE NOTICED