

**UNITED STATES DISTRICT COURT
District of Maine**

EIRINI ZAGKLARA,)	
)	
Plaintiff)	
)	
v.)	No. 2:10-cv-445-GZS
)	
SPRAGUE ENERGY CORP.,)	
)	
Defendant and Third-Party)	
Plaintiff,)	
)	
v.)	
)	
LEOPARD SHIPPING, et al.,)	
)	
Third-Party Defendants.)	

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

The United States Magistrate Judge filed with the Court on July 2, 2012, his Recommended Decision (ECF No. 97). Defendant filed its Objection to the Recommended Decision on Defendant's Motion for Summary Judgment (ECF No. 101) on August 2, 2012. Plaintiff filed her Objection to the Recommended Decision on Defendant's Motion to Exclude Expert Report with Memorandum of Law in Support of Objection (ECF Nos. 102 & 103 respectively) on August 2, 2012. Defendant filed its Response to Plaintiff's Objection to the Recommended Decision on its Motion to Exclude Expert Report (ECF No. 104) on August 16, 2012. Plaintiff filed her Response to Defendant's Objection to the Recommended Decision on its Motion for Summary Judgment (ECF No. 107) on August 21, 2012.

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 Defendant's Motion to Exclude Plaintiff's Expert's Report (ECF No. 86) is **GRANTED** as to its use by the Plaintiff in opposition to Defendant's Motion for Summary Judgment.
3. It is **ORDERED** that the Court **RESERVES RULING** on the admissibility of the testimony of Plaintiff's Expert, Paul Zorich, at the time of trial in this case.
4. It is **ORDERED** that Defendant's Motion for Summary Judgment (ECF No. 70) is **DENIED**.

/s/George Z. Singal_____

U.S. District Judge

Dated this 24th day of August, 2012.

Plaintiff

EIRINI ZAGKLARA

*Individually and as personal
representative of the estate of Ioannis
Zagklaras*

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V.

Defendant

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Movant

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Defaulted Party

ARMADA (GREECE) CO LTD

ThirdParty Plaintiff

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ThirdParty Defendant

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ThirdParty Defendant

ARMADA SHIPPING CO INC
TERMINATED: 08/23/2011

