

**UNITED STATES DISTRICT COURT
District of Maine**

BANKERS' BANK NORTHEAST,)	
)	
Plaintiff)	
)	
v.)	No. 1:12-cv-00127-GZS
)	
EVERETT L. AYER, et al.,)	
)	
Defendants.)	
)	

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

The United States Magistrate Judge filed with the Court on July 17, 2012, her Recommended Decision (ECF No. 143). Defendants Ayer, Goodwin, Graceffa, Heselton, Hollingdale, Lacasse, McClay, and Rizzo (“the Former Directors”) filed their Objections to the Recommended Decision regarding their Motion for Summary Judgment (ECF No. 146) on August 10, 2012. Defendant Arthur C. Markos filed his Objection to the Recommended Decision on his renewed Motion to Dismiss (ECF No. 147) on August 10, 2012. Plaintiff filed its Response to Defendants’ Objections to the Magistrate Judge’s Recommended Decision Regarding Defendants’ Motion to Dismiss and Motion for Summary Judgment (ECF No. 150) on August 27, 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 her 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 Plaintiff's claims of breach of implied covenant of good faith and fair dealing as to Defendant Markos and the Directors Defendants are **DISMISSED**.
3. It is **ORDERED** that Defendant Markos's Motion to Dismiss (ECF No. 135) is **DENIED**.
4. It is **ORDERED** that the Directors Defendants' Motion for Summary Judgment (ECF No. 83) as to the remaining claims of negligent misrepresentation is **DENIED**.
5. It is **ORDERED** that Defendant Markos's Motion for Oral Argument (ECF No. 148) is **DENIED**.
6. It is **ORDERED** that Directors Defendants' Motion for Oral Argument (ECF No. 149) is **DENIED**.

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

Dated this 4th day of September, 2012.

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