

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

DIANA LIBBY,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 2:13-cv-00238-NT
)	
THE WEBBER HOSPITAL)	
ASSOCIATION <i>d/b/a</i> SOUTHERN)	
MAINE MEDICAL CENTER,)	
Defendant.)	

**ORDER AFFIRMING THE MEMORANDUM DECISION
AND ORDER ON MOTION TO AMEND OF THE MAGISTRATE
JUDGE**

The United States Magistrate Judge filed with the Court on December 31, 2013, his Memorandum Decision and Order on Plaintiff's Motion to Amend (ECF No. 18). The Defendant filed its Objection to the Magistrate Judge Decision (ECF No. 21) on January 14, 2014. The Plaintiff filed her Response in Opposition to the Defendant's Objection (ECF No. 22) on January 30, 2014.

Although ordinarily a Magistrate Judge's decision on a motion to amend a complaint is reviewed under the standard applicable to nondispositive motions, Fed. R. Crim. P. 72(a), the Defendant persuasively argues that a decision rejecting an objection to amendment on futility grounds is actually a dispositive motion since it entails an analysis of whether the proposed count can survive a motion to dismiss for failure to state a claim. Accordingly, I have made a de novo determination of all

matters adjudicated by the Magistrate Judge's Order, and I concur with the United States Magistrate Judge for the reasons set forth in his Order on Motion to Amend.

1. It is therefore ORDERED that the Magistrate Judge's Order on Motion to Amend is hereby AFFIRMED.
2. It is further ORDERED that the Defendant's Objection to the Magistrate Judge's Order is hereby OVERRULED.

SO ORDERED.

/s/ Nancy Torresen
NANCY TORRESEN
UNITED STATES DISTRICT JUDGE

Dated this 28th day of February, 2014.

Plaintiff

DIANA LIBBY

represented by **GUY D. LORANGER**
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V.

Defendant

**WEBBER HOSPITAL
ASSOCIATION**
doing business as
SOUTHERN MAINE MEDICAL
CENTER

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