

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

BENJAMIN H. GANNET and)
BOOMER ENTERPRISES, LLC.)
)
Plaintiffs,)
)
v.) Civil No. 03-228-B-W
)
MALCOLM L. PETTEGROW and)
MALCOLM L. PETTEGROW, INC.,)
)
Defendants.)

ORDER ACCEPTING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE

No objections having been filed to the Magistrate Judge's Recommended Decision filed January 28, 2005, the Recommended Decision is accepted.

1. It is therefore ORDERED that the defendants' motion for summary judgment is GRANTED with respect to the plaintiffs' tort and UTPA claims.
2. It is further ORDERED that the only claim surviving summary judgment is a claim against Pettegrow, Inc., for breach of the boat building agreement and the warranties associated with it.

/s/John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
United States District Judge

Dated this 17th day of February, 2005.

Plaintiff

BENJAMIN H GANNET

represented by **MICHAEL X. SAVASUK**
LAW OFFICE OF MICHAEL X.
SAVASUK
MARINE TRADE CENTER

300 COMMERCIAL STREET
P.O. BOX 267
PORTLAND, ME 04112-0267
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

BOOMER ENTERPRISES LLC

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**ATLANTIC MUTUAL
INSURANCE COMPANY**

represented by **MICHAEL X. SAVASUK**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

MALCOLM L PETTEGROW
TERMINATED: 02/17/2005

represented by **DAVID C. KING**
RUDMAN & WINCHELL
84 HARLOW STREET
P.O. BOX 1401
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Defendant

**MALCOLM L PETTEGROW
INC**

represented by **DAVID C. KING**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

DEBRA ANNE REECE
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

GEOFFREY DICKES
TERMINATED: 01/09/2004

Counter Claimant

**MALCOLM L PETTEGROW
INC**

represented by **DEBRA ANNE REECE**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

DAVID C. KING
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

MALCOLM L PETTEGROW
TERMINATED: 02/17/2005

represented by **DEBRA ANNE REECE**
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DAVID C. KING
(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant

BENJAMIN H GANNET

represented by **MICHAEL X. SAVASUK**
(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Counter Claimant

**MALCOLM L PETTEGROW
INC**

Counter Claimant

**MALCOLM L PETTEGROW
TERMINATED: 02/17/2005**

V.

Counter Defendant

BOOMER ENTERPRISES LLC

represented by **MICHAEL X. SAVASUK**
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ATTORNEY TO BE NOTICED

Counter Defendant

BENJAMIN H GANNET