

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

MARY MARTIN, in her capacity as)	
Personal Representative of the Estate)	
of Joseph Hayes,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 04-124-B-W
)	
SOMERSET COUNTY, et al.,)	
)	
Defendants.)	

ORDER ACCEPTING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE

No objections having been filed to the Magistrate Judge's Recommended Decision filed August 26, 2005, the Recommended Decision is accepted.

1. It is therefore ORDERED that the Motion for Summary Judgment is DENIED as to the deliberate indifference claims and state law tort claims against Frederick Hartley and John Davis for their pre-hanging conduct.
2. It is further ORDERED that the Count under the American's with Disability Act and the state law claims against Somerset County and Sheriff Delong in his official capacity are DISMISSED.
3. It is further ORDERED that the Motion for Summary Judgment on the deliberate indifference claims against Daniel Rivard, Sheriff Delong, and Somerset County, as well as the Maine Tort Claims Act and wrongful death counts against Rivard and Delong in their individual capacities is GRANTED.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 16th day of September, 2005

Plaintiff

MARY MARTIN
*In her capacity as Personal
Representative of the Estate of
JOSEPH HAYES*

represented by **BENJAMIN JAMES SMITH**
LIPMAN, KATZ & MCKEE
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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V.

Defendant

SOMERSET, COUNTY OF

represented by **MICHAEL J. SCHMIDT**
WHEELER & AREY, P.A.
27 TEMPLE STREET
P. O. BOX 376
WATERVILLE, ME 04901
873-7771
Email:
mschmidt@wheelerlegal.com
ATTORNEY TO BE NOTICED

Defendant

BARRY DELONG

represented by **MICHAEL J. SCHMIDT**

*Individually and in his official
capacity as Sheriff of Somerset
County*

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

JOHN DAVIS

represented by **MICHAEL J. SCHMIDT**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

FREDERICK HARTLEY

represented by **MICHAEL J. SCHMIDT**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

DANIEL RIVARD

represented by **MICHAEL J. SCHMIDT**
(See above for address)
ATTORNEY TO BE NOTICED