

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

DOWNEAST VENTURES, LTD.,)
)
 Plaintiff)
)
 v.) CV-05-87-B-W
)
WASHINGTON COUNTY et al.)
)
 Defendants.)

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

The United States Magistrate Judge filed with the Court on December 12, 2005 her Recommended Decision (Docket # 77). The following objections were made:

1. Defendant Jasper Wyman & Son filed its objections to the Recommended Decision on December 22, 2005 (Docket # 78).
2. Defendant KeyBank National Association filed its objections on December 28, 2005 (Docket # 79).
3. Defendants Washington County, Washington County Sheriff's Department, Joseph Tibbetts, and Lester Seeley filed objections on December 29, 2005 (Docket # 80).
4. Defendant SN Commercial, LLC filed objections on December 29, 2005 (Docket # 81).
5. Defendants James C. Ebbert and McShane Group, Inc. filed objections on December 30, 2005 (Docket # 82).
6. Defendant Harry Bailey filed his objections on December 30, 2005 (Docket # 83).

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 further ORDERED that the pending motions to dismiss (Docket #s 39, 42, 43, 44, 49 & 50) are GRANTED to the extent they seek judgment against a due process claim on Rule 12(b)(6) grounds. These motions are otherwise DENIED.
3. It is ORDERED that the Washington County Defendants' Motion for Summary Judgment (Docket # 50) is GRANTED.¹
4. It is also ORDERED that the incorporated motions to stay and/or abstain (Docket #s 41, 45, 46 & 47) are DENIED.

SO ORDERED.

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

Dated this 16th day of February, 2006

Plaintiff

DOWNEAST VENTURES LTD

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¹ To be clear, Magistrate Judge Kravchuk's Recommended Decision notes that the Washington County Defendants' Motion for Summary Judgment (Docket # 50) is asserted exclusively against the state law tort claims and it is on this basis only that the Motion is granted.

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V.

Defendant

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Defendant

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