

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

DENNIS STEVENS and	)	
JOAN STEVENS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil No. 04-89-B-W
	)	
CEDARAPIDS, INC., et al.,	)	
	)	
Defendants.	)	

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

No objection having been filed to the Magistrate Judge's Recommended Decisions (Docket #s 71, 72, 73) filed on February 17, 2006, the Recommended Decisions are accepted.

1. The Recommended Decisions of the Magistrate Judge (Docket #s 71, 72, 73) are AFFIRMED.
2. It is further ORDERED that Plaintiffs' motion for partial summary judgment (Docket # 46) as to all affirmative defenses raised by Defendant Equipment & Systems for Industry, Inc. (ESI) except the affirmative defense of comparative negligence is GRANTED.
3. It is further ORDERED that Defendant ESI's motion for summary judgment on the cross-claim for indemnity (Docket # 50) is GRANTED, on the condition that ESI pay a judgment to the Plaintiffs in the event both it and Cedarapids are found to be liable to the Plaintiffs.
4. It is ORDERED that Defendant ESI's motion for partial summary judgment against Cedarapids, Inc. (Docket # 48) is GRANTED as to all of the affirmative defenses except the claim of comparative negligence.<sup>1</sup>

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<sup>1</sup> In her third Recommended Decision (Docket # 73), the Magistrate Judge denied Defendant Cedarapids' Motion for Leave to File a Surreply (Docket # 70) and struck Plaintiffs' Objection to Cedarapids' Reply Statement of Material Fact (Docket # 68). She issued an Order encompassing these rulings on February 17, 2006 (Docket # 74). Because these motions concern non-dispositive matters, and because they were not objected to, they are final without further Order from this Court. Fed. R. Civ. P. 72(a).

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

Dated this 13th day of March, 2006

**Plaintiff**

**DENNIS STEVENS**

represented by **CHARLES E. GILBERT, III**  
GILBERT & GREIF, P.A.  
82 COLUMBIA STREET  
P.O. BOX 2339  
BANGOR, ME 04402-2339  
947-2223  
Email: ceg@yourlawpartner.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**JULIE D. FARR**  
GILBERT & GREIF, P.A.  
82 COLUMBIA STREET  
P.O. BOX 2339  
BANGOR, ME 04402-2339  
947-2223  
Fax: 941-9871  
Email: jdf@yourlawpartner.com  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**JOAN STEVENS**

represented by **CHARLES E. GILBERT, III**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**JULIE D. FARR**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**CEDARAPIDS, INC**

represented by **HAROLD J. FRIEDMAN**  
FRIEDMAN, GAYTHWAITE,  
WOLF & LEAVITT  
SIX CITY CENTER  
P. O. BOX 4726  
PORTLAND, ME 04112-4726  
761-0900  
Email: hfriedman@fgwl-law.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**PHILLIP S. BIXBY**  
FRIEDMAN, GAYTHWAITE,  
WOLF & LEAVITT  
SIX CITY CENTER  
P. O. BOX 4726  
PORTLAND, ME 04112-4726  
761-0900  
Email: pbixby@fgwl-law.com  
*ATTORNEY TO BE NOTICED*

**Defendant**

**EQUIPMENT & SYSTEMS  
FOR INDUSTRY, INC.**

represented by **JON HADDOW**  
FARRELL, ROSENBLATT &  
RUSSELL  
P.O. BOX 738  
BANGOR, ME 04402  
(207) 990-3314  
Email: jah@frrlegal.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**EATON CORPORATION**  
*TERMINATED: 10/24/2005*

represented by **MARK E. DUNLAP**  
NORMAN, HANSON &  
DETROY  
415 CONGRESS STREET  
P. O. BOX 4600 DTS  
PORTLAND, ME 04112  
774-7000  
Email: mdunlap@nhdlaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Cross Claimant**

**EQUIPMENT & SYSTEMS  
FOR INDUSTRY, INC.**

represented by **JON HADDOW**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Cross Defendant**

**CEDARAPIDS, INC**

represented by **HAROLD J. FRIEDMAN**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**PHILLIP S. BIXBY**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**ThirdParty Plaintiff**

**CEDARAPIDS, INC**

represented by **HAROLD J. FRIEDMAN**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**PHILLIP S. BIXBY**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*