

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

DOWNEAST VENTURES, LTD.,	)	
	)	
Plaintiff	)	
	)	
v.	)	CV-05-87-B-W
	)	
THE McSHANE GROUP, INC., et al.,	)	
	)	
Defendants.	)	

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

The United States Magistrate Judge filed with the Court on June 13, 2007 her Recommended Decision (Docket # 280). The Plaintiff filed its objections to the Recommended Decision on July 2, 2007 (Docket # 281). Defendants McShane Group, Inc. and James C. Ebbert filed their response to those objections on July 16, 2007 (Docket # 283); Defendant SN Commercial LLC filed its response to the Plaintiff's objections on July 19, 2007 (Docket # 284); Defendant KeyBank National Association filed its response to the objections on July 19, 2007 (Docket # 286); Defendant Jasper Wyman & Sons filed its response to the objections on July 20, 2007 (Docket # 287); and, Defendant Harry Bailey filed his response to the Plaintiff's objections on July 20, 2007 (Docket # 288). 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 Motions for Summary Judgment filed by Defendants KeyBank National Association (Docket # 214), Jasper Wyman & Son (Docket # 215), McShane Group, Inc. and James C. Ebbert (Docket # 216), SN Commercial, LLC (Docket # 221), and Harry Bailey (Docket # 225) are GRANTED IN PART and judgment will be entered in their favor on Count I (42 U.S.C. § 1983) and Count IX (42 U.S.C. § 1988) and all pendent state law claims against these defendants are DISMISSED WITHOUT PREJUDICE.
3. It is further ORDERED that the Motions for Summary Judgment (Docket #'s 176 and 223) targeted at the counterclaims are DISMISSED WITHOUT PREJUDICE.
4. It is also further ORDERED that the Motion to Strike Downeast's jury demand in regard to their alter ego defense (Docket # 213) is DENIED AS MOOT.

SO ORDERED.

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

Dated this 17th day of August, 2007

**Plaintiff**

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V.

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**Defendant**

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**Defendant**

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**Defendant**

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V.

**Counter Defendant**

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**Counter Claimant**

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V.

**Counter Defendant**

**DOWNEAST VENTURES LTD**