

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

MARIE E. SPINNEY,)
)
 Plaintiff,)
)
 v.) CV-07-154-B-W
)
 LANE CONSTRUCTION CORP.,)
)
 Defendant.)

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

The United States Magistrate Judge filed with the Court on June 4, 2008 her Amended Recommended Decision (Docket # 25). The Defendant filed its objections to the Recommended Decision on June 20, 2008 (Docket # 27) and the Plaintiff filed her response to those objections on July 1, 2008 (Docket # 28). The Court has reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record, and has made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Recommended Decision. The Court concurs with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision.

1. It is therefore ORDERED that the Amended Recommended Decision of the Magistrate Judge (Docket # 25) is hereby AFFIRMED;
2. It is further ORDERED that the Plaintiff's tortious interference with contractual advantage count (Count V) be and hereby is DISMISSED with prejudice as the Plaintiff consents to the dismissal;
3. It is further ORDERED that Defendant's Motion for Summary Judgment (Docket # 14) be and hereby is GRANTED, IN PART, to the extent of Plaintiff's unpaid wages claim (Count IV); and,

4. It is further ORDERED that Defendant's Motion for Summary Judgment (Docket # 14) be and hereby is DENIED on the remaining three counts (Counts I, II, and III) – the MHRA and WPA retaliation claims and the breach of contract claim – as well as on the question of whether or not Spinney can recover punitive damages.

SO ORDERED.

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

Dated this 24th day of September, 2008

Plaintiff

MARIE E SPINNEY

represented by **ARTHUR J. GREIF**
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V.

Defendant

**LANE CONSTRUCTION
CORPORATION**

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