

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

HARMONIE HAGERMAN and)
CARLTON TROTT,)
)
Plaintiffs,)
)
v.) CV-08-413-B-W
)
W.E. AUBUCHON CO., INC.,)
)
Defendant.)

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

The United States Magistrate Judge filed with the Court on May 13, 2009 her Recommended Decision. The Defendant filed its objections to the Recommended Decision on May 26, 2009 and the Plaintiffs filed their response to those objections on June 5, 2009. 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 (Docket # 20) is hereby AFFIRMED.
2. It is further ORDERED that Defendant's Partial Motion to Dismiss (Docket # 4) be and hereby is GRANTED IN PART: Count I of the First Amended Complaint (Docket # 27) is DISMISSED; Plaintiff Carlton Trott's claim under Count V is DISMISSED; and, that portion of Plaintiff Harmonie Hagerman's claim under Count V that alleges intrusion upon marital seclusion is DISMISSED. In all other respects,

Defendant's Partial Motion to Dismiss is DENIED.

SO ORDERED.

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

Dated this 11th day of August, 2009

Plaintiff

HARMONIE HAGERMAN

represented by **DANIEL W. BATES**
FARRIS LAW FIRM
P.O. BOX 120
251 WATER STREET
GARDINER , ME 04345
(207) 582-3650
Email: dbates@farrislaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SEAN M. FARRIS
FARRIS LAW FIRM
P.O. BOX 120
251 WATER STREET
GARDINER , ME 04345
207-582-3650
Fax: 207-582-2156
Email: smfarris@farrislaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

CARLTON TROTT

represented by **DANIEL W. BATES**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SEAN M. FARRIS
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

W E AUBUCHON CO INC

represented by **ALEXIA PAPPAS**
VERRILL DANA LLP
ONE PORTLAND SQUARE
P.O. BOX 586
PORTLAND , ME 04112
207/774-4000
Email: apappas@verrilldana.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ROBERT C. BROOKS
VERRILL DANA LLP
ONE PORTLAND SQUARE
P.O. BOX 586
PORTLAND , ME 04112
207-774-4000
Email: rbrooks@verrilldana.com
ATTORNEY TO BE NOTICED