

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

MAURICE SCHMIR, M.D.,	)	
	)	
Plaintiff	)	
v.	)	Civil No. 03-187-P-S
	)	
PRUDENTIAL INSURANCE COMPANY	)	
OF AMERICA,	)	
and	)	
ALLEGIANT PHYSICIAN SERVICES, INC.	)	
	)	
Defendants.	)	

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

The United States Magistrate Judge filed with the Court on October 30, 2003 his Recommended Decision (Docket #26) (Re: Motion to Dismiss Plaintiff's Complaint filed by Defendants (Docket #9)). Plaintiff filed his Objection to Report and Recommended Decision on November 17, 2003 (Docket #27) and on November 24, 2003 Plaintiff filed his Motion to Withdraw Objection (Docket #28). This Court Granted Plaintiff's Motion to Withdraw on December 2, 2003 (Docket #29).

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record and 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 his 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. Defendant's Motion to Dismiss (Docket # 9) is GRANTED as to Count II and otherwise DENIED.

/s/ George Z. Singal  
United States Chief District Judge

Dated this 2<sup>nd</sup> day of December 2003.

**MAURICE SCHMIR**

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