

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

DOUGLAS BROWN, )  
)  
Plaintiff, )  
) CV-03-128-B-W  
v. )  
)  
GENERAL ALUM NEW )  
ENGLAND CORP., *et al.*, )  
)  
Defendants. )

**ORDER DISMISSING PLAINTIFF'S COMPLAINT WITH PREJUDICE**

On March 9, 2004, this Court issued an Order granting Defendant General Alum New England Corp.'s Motion to Dismiss and ordering Plaintiff Douglas Brown to Show Cause as to why his Complaint against the Union should not meet the same fate. The Order recited the fact that the bases for the Plaintiff's acquiescence to General Alum's Motion to Dismiss were equally applicable to his claims against Defendant Local 650 of the International Chemical Workers Union Council, United Food and Commercial Workers Union. This Court, therefore, ordered the Plaintiff to show cause within twenty days of the date of the Order why the Complaint should not be dismissed with prejudice against Local 650 International Chemical Workers Union Council, United Food and Commercial Workers Union. The March 9, 2004 Order specified that the failure to comply with its terms would result in the dismissal of the Complaint with prejudice against the Union.

The Plaintiff has failed to respond to the Order. On March 12, 2004, the Court received a letter from Attorney Jeffrey Young, representing the Union. Attorney Young attached a copy of a Stipulation for Voluntary Dismissal with prejudice and without costs executed by Douglas E. Brown as Plaintiff, dismissing all claims against the Union. Attorney Young sent the "Stipulation" to the Maine State Superior Court for Waldo County by letter dated August 1, 2004, the same day General Alum removed the case to this Court, thereby divesting the Superior Court of jurisdiction. The Superior Court Order dated August 5, 2003, granting the dismissal was technically without effect, since the Superior Court no longer retained jurisdiction.

The Plaintiff's attempted, but ineffective dismissal of the Union in Superior Court may explain his failure to respond to this Court's Order to Show Cause. In any event, the Plaintiff has failed to respond to the Court's Order dated March 9, 2004 and, therefore, the Plaintiff's Complaint against Defendant Local 650 of the International Chemical Workers Union Council, United Food and Commercial Workers Union is hereby dismissed with prejudice.

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

Dated this 5<sup>th</sup> day of April, 2004.

**Plaintiff**

-----

**DOUGLAS G BROWN**

represented by **DOUGLAS G BROWN**  
243 WATERVILLE RD  
BELFAST, ME 04915  
(207) 338-2612  
PRO SE

V.

**Defendant**

-----  
**GENERAL ALUM AND  
CHEMICAL INC**  
*TERMINATED: 03/09/2004*

represented by **NEAL F. PRATT**  
VERRILL & DANA  
1 PORTLAND SQUARE  
P.O. BOX 586  
PORTLAND, ME 04112  
(207) 774-4000  
Email: npratt@verrilldana.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**LOCAL 650 INTERNATIONAL  
CHEMICAL WORKERS  
UNION COUNCIL/UNITED  
FOOD AND COMMERCIAL  
WORKERS UNION**

represented by **JEFFREY NEIL YOUNG**  
MCTEAGUE, HIGBEE, CASE,  
COHEN, WHITNEY & TOKER,  
P.A.  
FOUR UNION PARK  
PO BOX 5000  
TOPSHAM, ME 04086-5000  
725-5581  
Email: jyoung@me-law.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*