

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

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|----------------------------|---|---------------------------------|
| CATHERINE LaFLAMME, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 2:13-cv-460-JDL |
| |) | |
| RUMFORD HOSPITAL, |) | |
| |) | |
| Defendant. |) | |

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

The United States Magistrate Judge filed his Recommended Decision (ECF No. 49) with the court on May 23, 2015, pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b). The defendant, Rumford Hospital, filed an Objection to the Recommended Decision on June 9, 2015. ECF No. 50. The plaintiff, Ms. LaFlamme, filed her Response to Defendant's Objection on June 18, 2015. ECF No. 51.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record, and have made a de novo determination of all matters adjudicated by it. I concur with the recommendations of the Magistrate Judge for the reasons set forth in his Recommended Decision.

Rumford Hospital contends that the "Recommended Decision mischaracterizes a number of factual findings as undisputed when the evidence submitted by both parties established that there are disputes about these facts." ECF No. 50 at 3. This argument is unavailing. Whether the facts in question are disputed or undisputed,

the court is obligated to view the facts in the light most favorable to the non-moving party. *Johnson v. University of Puerto Rico*, 714 F.3d 48, 52 (1st Cir. 2013). Further, any facts deemed admitted in connection with the summary judgment process are not treated as admitted for purposes of trial. *See* L.R. 56(g) (“Facts deemed admitted solely for purposes of summary judgment shall not be deemed admitted for purposes other than determining whether summary judgment is appropriate.”). Accordingly, any mischaracterization of disputed facts as being undisputed is inconsequential. Further, I am not persuaded by, and I do not separately address, Rumford Hospital’s remaining objections to the Recommended Decision. I determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. Rumford Hospital’s motion for summary judgment is **DENIED**.

SO ORDERED.

/s/ Jon D. Levy
U.S. District Judge

Dated this 9th day of July, 2015.