

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SEA STAR LINE, LLC, a limited liability company,  
Plaintiff,  
v.  
EMERALD EQUIPMENT LEASING, INC.,  
a corporation,  
Defendant.

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: Civ. Act. No. 05-245-JJF  
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**MEMORANDUM ORDER**

On October 29, 2008, Magistrate Judge Leonard P. Stark issued a Report And Recommendation Regarding Counterclaim Defendant's Motion For Partial Summary Judgment On The Amended Counterclaim ("Report And Recommendation") (D.I. 230) recommending that the Court deny the Motion For Partial Summary Judgment filed by Counterclaim-Defendant, Sea Star Line, LLC ("Sea Star") against Counterclaim-Plaintiff, Emerald Equipment Leasing, Inc. ("Emerald"). Thereafter, Sea Star filed Objections To The Report And Recommendation (D.I. 232). Briefing on the Objections and Motion To Vacate was completed on December 5, 2008.

Pursuant to 28 U.S.C. § 636(b)(1)(A) and Rule 72(a) of the Federal Rules of Civil Procedure rulings made by the Magistrate Judge on referred matters are reviewed under the clearly erroneous or contrary to law standard of review. Applying this standard here, the Court finds no error in the Magistrate Judge's rulings. As the Magistrate Judge noted in his Report And

Recommendation, many of the arguments raised by Sea Star in the context of Emerald's Counterclaim are repetitive of arguments already raised by Sea Star and rejected by this Court in previous decisions rendered in this case. The Court is not persuaded that the circumstances have changed so as to warrant a departure from these previous rulings. As for the remaining issues raised by Sea Star, the Court agrees with the Magistrate Judge that factual issues exist requiring trial on Emerald's Amended Counterclaim.

NOW THEREFORE, IT IS HEREBY ORDERED that:

1. The Objections To Report And Recommendation Regarding Counterclaim Defendant's Motion For Partial Summary Judgment On Amended Counterclaim (D.I. 232) are **OVERRULED**.

2. The Report And Recommendation Regarding Counterclaim Defendant's Motion For Partial Summary Judgment On The Amended Counterclaim ("Report And Recommendation") (D.I. 230) issued by Magistrate Judge Stark is **ADOPTED**.

December 16, 2008  
DATE

  
UNITED STATES DISTRICT JUDGE