

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

WILLIAM CASEY

v.

CA 98-492ML

LIFESPAN CORPORATION; RHODE ISLAND HOSPITAL; LINDA MCDONALD in her capacity as President of the UNITED NURSES AND ALLIED PROFESSIONALS, LOCAL 5098 f/k/a FEDERATION OF NURSES AND HEALTH PROFESSIONALS, LOCAL 5098, AFT, AFL-CIO; and MYRA CAVALLARO, in her capacity as Secretary of the UNITED NURSES AND ALLIED PROFESSIONALS, LOCAL 5098 f/k/a FEDERATION OF NURSES AND HEALTH PROFESSIONAL, LOCAL 5098, AFT, AFL-CIO.

MEMORANDUM AND ORDER

Plaintiff William Casey filed suit against Defendants, namely Lifespan Corporation and his former employer Rhode Island Hospital as well as the president and secretary of the United Nurses and Allied Professional, Local 5098. Invoking this court's jurisdiction pursuant to the Labor Management Relations Act, 29 U.S.C. § 185(c), Casey avers that Defendants violated their collective bargaining agreement. Defendants have moved to dismiss Casey's suit for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1) and for summary judgment on the merits pursuant to Fed. R. Civ. P. 56. Plaintiff opposed both motions.

The court referred the motion to Magistrate Judge Robert W. Lovegreen for his preliminary review, findings, and recommended

disposition. See 28 U.S.C. § 636(b)(1); D.R.I. Loc. R. 32(c).

The magistrate judge recommended that this court deny both motions. The matter is presently before the court on Defendants' objections to the magistrate judge's report.

Upon de novo review this court adopts the findings, conclusions and recommendations of Magistrate Judge Lovegreen. The defendants' motions are hereby denied.

SO ORDERED:

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Mary M. Lisi  
United States District Judge  
July , 1999