

DAVID A. HAYES,

Plaintiff,

v.

UNITED STATES,

Defendant.

For the reasons set forth in the Opinion issued this same day, it is hereby

ORDERED that the defendant's motion to dismiss or, in the alternative, for summary judgment [18] [19] is GRANTED in part and DENIED in part; it is

FURTHER ORDERED that, with respect to plaintiff's failure to warn claim, the defendant's motion to dismiss is DENIED; it is

FURTHER ORDERED that, with respect to plaintiff's failure to inspect and maintain claim, the defendant's motion to dismiss is GRANTED; and it is

FURTHER ORDERED that a status conference in this case is scheduled for April 9, 2008 at 9:15 a.m.

SO ORDERED.

/s/

PAUL L. FRIEDMAN
United States District Judge

DATE: March 28, 2008