

STATE OF MAINE  
Androscoggin, ss

SUPERIOR COURT  
Civil Action  
Docket No. AP-03-001

TEL - HR - 4/17/2003

RICHARD SSENAKULO,  
Plaintiff

v.

**ORDER ON APPEAL**

VIP DISCOUNT AUTO CENTER,  
Defendant

DONALD L. CARBRECHT  
LAW LIBRARY

RECEIVED & FILED

MAY 14 2003

MAY 28 2003

ANDROSCOGGIN  
SUPERIOR COURT

This is an appeal by plaintiff from a Small Claims judgment entered for defendant in the District Court (Lewiston, Lawrence, J.). The plaintiff appealed.

In his Notice of Appeal the plaintiff requested a trial by jury; however, because he initiated this action as a Small Claims proceeding, he has waived his right to a trial by jury. The appeal is on issues of law only.

The clerk of this court has previously provided notice to the parties of the briefing schedule which required appellant's brief to be filed on or before March 24, 2003 and the defendant's to be filed within 30 days thereafter. The plaintiff/appellant filed a brief factual statement before the deadline. The defendant/appellee has never filed a brief. No extensions of appellee's deadline has been requested or granted.

No record of proceedings (transcript or agreed statement) has been filed and whereas no points of law have been assigned as error, this court cannot determine that the judgment of the Small Claims court is not supported by the evidence.

IT IS ORDERED that the judgment for defendant as entered in the Small Claims case is affirmed. This case is remanded to the District Court for entry of final judgment.

The clerk is directed to incorporate this Order into the docket by reference.

SO ORDERED.

May 14, 2003

A handwritten signature in black ink, appearing to read 'T. Delahanty II', is written over a horizontal line. The signature is stylized and includes a large flourish that extends to the left and then loops back to the right.

Thomas E. Delahanty II  
Justice, Maine Superior Court

Action SMALL CLAIMS APPEAL - 8th Dist. Ct.

RICHARD SSENAKULO  
P.O. Box 161  
Sabattus, ME 04280

VIP CENTER  
c/o Gerry Kostro  
12 Lexington Street  
Lewiston, ME 04240

vs.

Plaintiff's Attorney  Pro Se	Defendant's Attorney
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Date of Entry	
2003	
Feb. 11:	Received 2-10-03.
	Notice of Appeal (Small Claims), filed.
	Notice is hereby given that the Plaintiff appeals to the Superior Court from the Judgment entered in this action on 12-10-02.
" "	Received 2-10-03.
	Entire original file including Exhibits received and filed from 8th District Court.
" "	On 2-11-03.
	Notice and Briefing Schedule 76G Appeal of District Court Civil Action mailed Richard Ssenakulo and VIP Center on 2-11-03.
	(Appellant's brief is due on or Before March 24, 2003.)
Feb. 20:	Received 2-20-03.
	Appellant's Brief, filed.
	(Appellee's Brief due on or before March 24, 2003).
May 16:	Received 5-14-03.
	Order, on Appeal. (Delahanty, II, J.)
	IT IS ORDERED that the judgment for defendant as entered in the Small Claims case is affirmed. This case is remanded to the District Court for entry of final judgment.
	The clerk is directed to incorporate this Order into the docket by reference. So Ordered.
	Copies mailed 5-16-03.