

STATE OF MAINE
ANDROSCOGGIN, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-18-141

NORMAN JOHNSON, JR.,)
)
 Plaintiff)
)
 v.)
)
 LISBON FALLS BAPTIST CHURCH,)
)
 Defendant.)

ORDER ON DEFENDANT'S
MOTION FOR RECONSIDERATION

JUN 27 '19 AM 8:41
ANDRO SUPERIOR COURT

Before the Court is Lisbon Fall Baptist Church's ("LFBC") motion for reconsideration. LFBC specifically asks the Court to reconsider its denial of LFBC's motion for summary judgment on Count I of Mr. Johnson's complaint regarding owner or occupier liability. For the following reasons, the motion is denied.

Motions for reconsideration may only be utilized "to bring to the court's attention an error, omission or new material that could not previously have been presented." M.R. Civ. P. 7(b)(5). "Rule 7(b)(5) is intended to deter disappointed litigants from seeking 'to reargue points that were or could have been presented to the court on the underlying motion.'" *Shaw v. Shaw*, 2003 ME 153, ¶ 8, 839 A.2d 714 (citing M.R. Civ. P. 7(b)(5) advisory committee's note to 2000 amend.). A motion for reconsideration need not be granted "unless it is reasonably clear that prejudicial error has been committed or that substantial justice has not been done. ... The burden of showing harmful error rests on the [moving] party." *Cates v. Farrington*, 423 A.2d 539, 541 (Me. 1980).

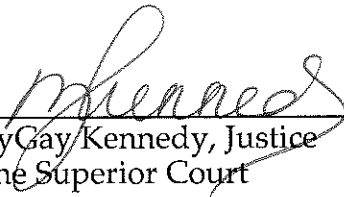
LFBC's motion offers no new material that was not or could not previously have been presented, but merely reasserts the arguments made in its motion for summary judgment, and the Court is not persuaded that it was error to allow Mr. Johnson to proceed on Count I of his complaint. The record is not without evidence that could

support a finding in favor of Mr. Johnson on Count I. LFBC may raise its arguments again before the jury.

For the foregoing reasons, Defendant Lisbon Falls Baptist Church's Motion for Reconsideration is DENIED.

The Clerk is directed to incorporate this Order into the docket by reference pursuant to Maine Rule of Civil Procedure 79(a).

Dated: 6/26/19



Mary Gay Kennedy, Justice
Maine Superior Court