

STATE OF MAINE  
AROOSTOOK, ss.

SUPERIOR COURT  
CARIBOU  
DOCKET NO. CARSC-AP-  
2017-004

LAURIE STEPHENSON and )  
RANDY STEPHENSON )  
PLAINTIFFS/APPELLANT )  
v. )  
TOWN OF CHAPMAN )  
DEFENDANT/APPELLEE )  
  
And )  
  
RIKI BOUCHER and )  
WENDY BOUCHER )  
PARTIES IN )  
INTEREST/APPLICANTS )

**ORDER**

In response to Plaintiff's Complaint for Review of Governmental Action, the Parties in Interest filed an Answer to Complaint and Affirmative Defenses. The Fourth Affirmative Defense raised asserted the Complaint had not been timely filed pursuant to 30-A M.R.S.A. § 2691 (2)(G). Prior to the usual scheduling order being issued, counsel jointly suggested the issue whether the Complaint was timely filed be briefed and decided by the Court. Accordingly, a briefing schedule for that single issue was issued by the Court.

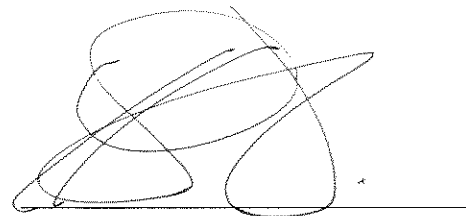
The Parties-in- Interest filed their brief with the Court on April 2, 2018 and Plaintiff's filed their brief on May 11, 2018. After receiving Plaintiff's brief, the Parties-in- Interest decided to withdraw their Fourth Affirmative Defense. Plaintiff's responded to the Court with a letter indicating they believed the affirmative defense was raised without any good legal support, and asked the Court issue an order imposing sanctions. Telephonic hearing was held on the issue of imposing sanctions on June 4, 2018.

The Fourth Affirmative Defense is withdrawn, but the Court declines to issue an order imposing sanctions. There was some merit and legal basis for raising and asserting the affirmative defense. And the Court accepts the Parties-in-Interest rational for withdrawing the affirmative defense at this time. In addition, the Court finds that there was some value to the parties addressing in these early stages whether the Complaint was timely as now that issue is no longer at issue or in need of further litigation.

In summary, the Fourth Affirmative Defense is withdrawn, but the request for sanctions is denied. It is further ordered he parties are to submit within 30 days an agreed upon scheduling order, which shall include participation in ADR.

Pursuant to M.R.Civ.P. 79(a) the clerk shall incorporate this Order by reference in the docket.

Dated: June <sup>4</sup>/<sub>18</sub>, 2018



Justice, Superior Court