

STATE OF MAINE
CUMBERLAND, ss.

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CLERK'S OFFICE

FEB 28 12 00 PM '01

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. AP-00-089
REC - CUM - 2/28/2001

DAVID A. CAREY,

Plaintiff

vs.

ORDER ON APPEAL

INDIAN ROCK CORPORATION,

Defendant

Defendant Indian Rock Corporation has appealed from an order of the District Court dated July 27, 2000 and docketed on July 28, 2000.

That order granted plaintiff's motion for default and dismissed defendant's counterclaim unless the plaintiff took certain specified action within 30 days. The order did not grant final judgment to the plaintiff.

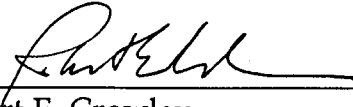
An order of judgment is final if '1) the trial court's action fully decides and disposes of the whole matter leaving nothing further for the consideration and judgment of the trial court, and 2) no subsequent proceedings in the case will render the appellate court's decision immaterial.'

Ford New Holland, Inc. v. Thompson Machine, Inc., et al,
617 A.2d 540 (Me. 1992).

The entry is:

The case is remanded to the district court for further proceedings consistent with this order.

Dated: February 28, 2001



Robert E. Crowley
Justice, Superior Court

Action APPEAL FROM DC - CONTRACT

DAVID A. CAREY

INDIAN ROCK CORPORATION

vs.

Plaintiff's Attorney

EDWARD S. DAIGLE, ESQ 773-7818
31 EXCHANGE ST. PORTLAND ME 04101

Defendant's Attorney

RUSSELL BURGESS PRO SE
INDIAN ROCK OUTFITTERS
PO BOX 5445
OQUOSSOC, ME 04964Date of
Entry

2000

Oct. 30

Received 10-27-00:
Defendant's Notice of Appeal filed.
All paperwork received from 9th District Court, Division
of Southern Cumberland (POR CV 00-447).

Nov. 1

On 11-1-00.
Briefing schedule mailed. Appellant's brief due 12-6-00.

Dec. 7

Received 12-6-00.
Petitioner's brief filed

Dec. 27

Received 12/27/00:
Plaintiff/Appellee's Brief filed.

" "

Plaintiff's Motion to Dismiss Appeal filed.

" "

Plaintiff's Request for Hearing filed.

2001

Jan 10

Received 01/10/01:
Defendant's Motion in Opposition to Plaintiff's Motion to Dismiss Appeal
filed.

Feb. 27

On 2-27-01.
Oral argument on appeal scheduled as well as Plaintiff's Motion to Dismiss
Appeal.
Court hears Plaintiff's Motion to Dismiss Appeal.
Court dismisses appeal; order to be filed by the court.
Crowley, J. Presiding, Electronic Recording, Tape No. 1963, Index Nos.
2518-2795, Edward Daigle, Esq. for Plaintiff and Russell Burgess appears
pro se.

March 1

Received 2-28-01.
Order on Appeal, filed. (Crowley, J.)
The case is remanded to the district court for further proceedings
consistent with this order.
Copies mailed Edward Daigle, Esq. and Russell Burgess on 3-1-01.