

STATE OF MAINE
CUMBERLAND, ss.

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CLERK'S OFFICE

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. AP-02-036
REC-CUM-1/13/2003

THOMAS CARBONE and
MEREDITH CARBONE,

2003 JAN 13 P 1:18

Plaintiffs/Appellants

v.

DECISION ON APPEAL

HOPE COTE,

DONALD L. GARBRECHT
LAW LIBRARY

Defendant/Appellee

JAN 21 2003

Plaintiffs Thomas Carbone and Meredith Carbone appeal from the District Court (Small Claims) judgment for the defendant.

Neither party requested a recording of the hearing pursuant to M.R.S.C.P. 6 and therefore no recording was made. The appellants do not contend that the absence of a record of the proceedings in the District Court is for a reason "beyond the control of any party" as that term is used in M.R. Civ. P. 76F(c).

Without a record, this court is unable to review the correctness of the District Court's findings. ". . . [T]he appellant has the burden of providing . . . a sufficient record that allows adequate consideration of his arguments." Tenney v. Benson, 741 A.2d 454 (Me. 1999). They have not met this burden.

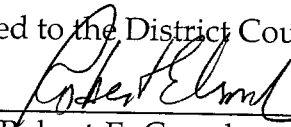
Hope A. Cote appeared for oral argument but the appellants, did not appear. Therefore the appeal is dismissed for failure to prosecute.

If the appeal had not been dismissed for failure to prosecute the appeal would have been denied.

Therefore the entry is:

Appeal DISMISSED. Case is remanded to the District Court.

Dated: January 13, 2003


Robert E. Crowley
Justice, Superior Court

Date Filed 07-16-02 CUMBERLAND Docket No. AP-02-36
County

Action APPEAL FROM DISTRICT COURT

THOMAS & MEREDITH CARBONE

HOPE A. COTE

vs.

Plaintiff's Attorney

THOMAS & MEREDITH CARBONE, PRO-SE
2 Brookview Court
Scarborough, ME 04074

Defendant's Attorney

HOPE A. COTE
18 CEDARBROOK DRIVE
SCARBOROUGH ME 04074

Date of
Entry