

STATE OF MAINE
CUMBERLAND, ss

SUPERIOR COURT
CIVIL ACTION
Docket No. AP-13-034
NM - Cum - 11/21/2013

MMSETS/MJETS, c/o
EVA SZILLERY,

Plaintiff

v.

DECISION AND ORDER

LIVINGSOCIAL, INC.,

Defendant

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Before the Court is the plaintiff's appeal from a judgment in Small Claims Court requiring the parties to arbitrate plaintiff's claim. For the following reasons, the appeal is dismissed.

PROCEDURAL HISTORY

On April 22, 2013, plaintiff filed a statement of claim against defendant and alleged a breach of contract. Prior to the hearing date, counsel for defendant filed a letter on May 16, 2013 and requested that the court dismiss the case in favor of arbitration as required by the contract. On May 30, 2013, the Small Claims Judge granted the defendant's request to dismiss the case and stated that the claims must be arbitrated. On June 28, 2013, plaintiff filed an appeal of the decision. M.R.S.C.P. 11.

DISCUSSION

The defendant argues that the Superior Court lacks jurisdiction to entertain plaintiff's appeal. Under the Uniform Arbitration Act, "the court's grant of the motion to compel arbitration is an interlocutory order that is not now appealable." Creamer v. Bishop, 2006 ME 95 ¶ 2, 902 A.2d 838. The Law Court

has held that the Uniform Arbitration Act provides an exclusive list of “what decisions concerning arbitration may be appealed.” State v. Phillip Morris, Inc., 2007 ME 90, ¶ 19, 928 A.2d 782. The Act does not provide for an appeal from an order granting a motion to compel arbitration. See 14 M.R.S.A. § 5945(1).

The entry is

The Plaintiff’s Appeal is DISMISSED.

Dated: November 21, 2013

A handwritten signature in black ink, appearing to read "Nancy Mills", written over a horizontal line.

Nancy Mills
Justice, Superior Court

Date Filed 6/28/13

CUMBERLAND

Docket No. AP-13-34

County

Action DISTRICT COURT APPEAL (SMALL CLAIM)

MMSETS/MJETS

LIVINGSOCIAL INC

vs.

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Date of
Entry