

STATE OF MAINE
CUMBERLAND, ss

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. AP-18-039 ✓

MIDLAND FUNDING, LLC,

Plaintiff

v.

ORDER

DAMIAN GILBERT,

Defendant

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Pursuant to the Order of Trial Management Conference dated January 29, 2019, plaintiff was ordered to provide by February 8, 2019 the name and address of plaintiff's representative who will testify at trial. Trial is scheduled for March 14, 2019. By motion for sanctions dated February 14, 2019, counsel for defendant represented that the name and address of plaintiff's representative had not been provided.

By order dated February 24, 2019, the court ordered plaintiff to provide to defendant's counsel by 12:00 p.m. on February 26, 2019 the name and address of plaintiff's representative who will testify at trial. The court further specified that if the information was not provided as ordered, the judgment dated July 26, 2018 would be vacated and the statement of claim would be dismissed with prejudice. M.R. Civ. P. 16(d).

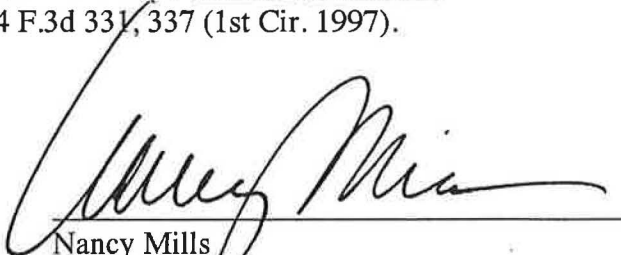
By affidavit filed March 1, 2019, defendant's counsel represents that as of March 1, 2019, she has not received the name and address of plaintiff's representative who will testify at trial.

The entry is

The Judgment dated July 26, 2018 is VACATED and the Statement of Claim dated April 24, 2018 is DISMISSED with prejudice. M.R. Civ. P. 16(d).

Within twenty days of the date of this order, counsel for defendant will file an affidavit of attorney's fees and costs incurred in this case. M.R. Civ. P. 16(d). Defendant's counsel will include the information necessary to allow the court to determine a reasonable attorney's fee award. See M.R. Prof. Conduct 1.5; Nadeau v. Nadeau, 2008 ME 147, ¶ 59, 957 A.2d 108; see also Coutin v. Young & Rubicam P.R., Inc., 124 F.3d 331, 337 (1st Cir. 1997).

Date: March 1, 2019



Nancy Mills
Justice, Superior Court

Entered on the Docket: 3-1-19