



At oral argument, the Raesslers argued that Exhibit 4 to the Verified Complaint is full of errors, but they did provide any specific rebuttal (other than generalized argument).<sup>2</sup> The Raesslers also argued in their Opposition and at oral argument that the term “CAMS” does not appear in the lease, and thus the amount attributed to CAMS cannot be added to the amounts White Rabbit claims are in default. As White Rabbit explained in its Reply and in the Affidavit of Kevin Bunker, the term “CAMS” simply refers to the amounts due as “Additional Rent” under the lease, such as operating and maintenance expenses, along with T&I and other costs.

Accordingly, based on the Motion and accompanying papers, including the Verified Complaint and Exhibits thereto, as well as oral argument provided at the hearing, the Court concludes it is more likely than not that White Rabbit will (1) succeed on the merits of its claims against Defendant Claudia Raessler and (2) recover a judgment against said Defendant, including interests and costs in an amount equal to or greater than \$156,164.51. *See* M.R. Civ. P. 4A. The Court further concludes it is more likely than not that White Rabbit will (1) succeed on the merits of its claims against Defendant Kenneth Raessler and (2) recover a judgment against said Defendant, including interests and costs in an amount equal to or greater than \$156,164.51. *See* M.R. Civ. P. 4A.

The Court further finds that there has been no evidence presented or presently

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<sup>2</sup> Minutes before the start of oral argument, the Raesslers filed a document entitled Defendants’ Motion for Leave to Amend Answer to Plaintiff’s Verified Complaint. At oral argument the Raesslers argued that their just-filed motion was relevant to, and should be considered as part of, the oral argument. White Rabbit objected, and indicated that it may oppose the motion. Given the untimeliness of Defendants’ motion in relation to the Motion for Attachment, and the fact that White Rabbit had no time to consider or oppose the motion, the Court does not consider the motion in deciding the Motion for Attachment. Further, the Court is unwilling to delay decision on the Motion for Attachment, which has been pending for months, in order to wait for briefing on Defendants’ Motion for Leave to Amend. In any event, the Raesslers made arguments at oral argument apparently based on the contents of their motion, and the Court has considered and rejected those arguments in reaching its decision on the Motion for Attachment.

