

STATE OF MAINE
CUMBERLAND, ss

SUPERIOR COURT
CIVIL ACTION
Docket No. CV-13-316
NM-CUM-12/3/2013

MARJORIE J. GETZ,

Plaintiff

v.

ORDER

ELIZABETH McCUSKER and
STEPHEN McCUSKER,

Defendants

2013-12-03

Before the court is a motion for reconsideration and leave to amend, signed by defendant Stephen McCusker. The plaintiff's amended complaint was served on the defendants on 6/27/13. Defendant Stephen McCusker filed an answer to the amended complaint on 7/16/13. He filed an amended answer and the defendants filed a counterclaim on 8/2/13. The plaintiff filed a motion to dismiss the counterclaim and an objection to the defendant Stephen McCusker's amended answer on 8/15/13. Neither defendant responded to the motion or objection.¹ On 10/1/13, the court determined that the amended answer and counterclaim were not filed in a timely manner and, although filed, were of no legal significance.

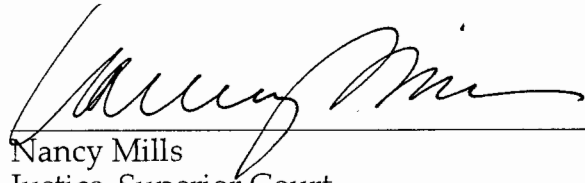
Self-represented parties are held to the same standard as represented parties. See Dyer, Goodall and Federle, LLC v. Proctor, 2007 ME 145, ¶18, 935 A.2d 1123. In his motion, the defendant Stephen McCusker provides no basis on which the court can make a finding of excusable neglect. See M.R. Civ. P. 7(b); see Dyer, 2007 ME 145, ¶ 18, 935 A.2d 1123. Further, the defendants filed no opposition to the plaintiff's motion to

¹ Neither the plaintiff's objection to the amended answer nor the defendant Stephen McCusker's motion for reconsideration and leave to amend contained the required Rule 7(b)(1)(A) language. M.R. Civ. P. 7(b)(1)(A). The plaintiff's motion to dismiss did contain the required language.

dismiss the counterclaim and defendant Stephen McKusker filed no opposition to the objection to his amended answer but he now asks the court to reconsider the resulting order. See M.R. Civ. P. 7(c)(3); 7(b)(5).

The Defendant Stephen McCusker's Motion for Reconsideration and Leave to Amend is Denied.

Date: December 3, 2013



Nancy Mills
Justice, Superior Court

MARJORIE J GETZ VS ELIZABETH MCCUSKER

UTN:AOCSSr -2012-0112469

CASE #:PORSC-CV-2013-00316

MARJORIE J. GETZ

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STEPHEN R. MCCUSKER

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