

STATE OF MAINE
CUMBERLAND, ss

SUPERIOR COURT
CIVIL ACTION
Docket No. CV-13-366
NM - CUM - 11/15/2013

DUNG V. HO,

Plaintiff

ORDER

v.

TAI X. HUYNH,

Defendant

15 NOV '13 10:02

By order dated 8/20/13, the court granted the plaintiff's motion for ex parte attachment and trustee process. On 10/9/13, the defendant moved to dissolve the attachment. The plaintiff responded on 10/30/13. On 11/1/13, the court granted the defendant's motion to dissolve the attachment.

The plaintiff now moves for findings of fact and conclusions of law and for a temporary stay of the court's order dissolving the attachment.

Findings of fact and conclusions of law are not required for an order dissolving attachment. M.R. Civ. P. 52(a). Further, the plaintiff has not "indicate[d] the conclusions on which additional fact-finding is desired and . . . [has not] suggeste[d] particular facts to be found that are supported by the record and are relevant to the conclusion at issue." Wandishin v. Wandishin, 2009 ME 73, ¶ 18, 976 A.2d 949.

After reviewing the submissions of both parties, the court does not conclude it is more likely than not that the plaintiff will recover judgment. The parties have very different accounts of the history of their relationship. For example, the defendant has produced a partnership agreement that the plaintiff denies having seen prior to this

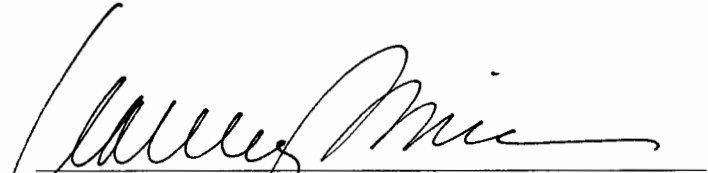
lawsuit. (Def.'s Aff. ¶ 3 & Ex. A; Pl.'s Aff. ¶ 5.) Credibility determinations will be important at trial.

The entry is

The Plaintiff's Motion for Findings of Fact and Conclusions of Law is DENIED.

The Plaintiff's Motion for Temporary Stay of the Order Dissolving the Attachment is DENIED.

Date: November 14, 2013



Nancy Mills
Justice, Superior Court

