

STATE OF MAINE
CUMBERLAND, ss.

DISTRICT COURT
PORTLAND
Docket No. CV-14-616

KELLY REMMEL & ZIMMERMAN)
)
 Plaintiff)
 v.)
)
 SERAPHINE NYIRASAFALI)
)
 Defendant)

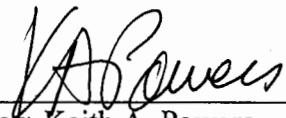
ORDER ON PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT

Pending before the court is Plaintiff's motion for summary judgment, filed August 28, 2015 with accompanying statement of material facts ["SMF"] filed pursuant to M.R. Civ. P. 56(h). The court has reviewed Plaintiff's supporting materials, including affidavits, appended exhibits, and legal memoranda, as well as Defendant's opposition, opposing SMF, and affidavit.

Rule 56(c) of Maine's Rules of Civil Procedure provides that "Judgment shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, referred to in the statements required by subdivision (h) show that there is no genuine issue as to any material fact set forth in those statements and that any party is entitled to a judgment as a matter of law." M.R. Civ. P. 56(c) (emphasis added). See also *Curtis v. Porter*, 2001 ME 158, ¶¶ 7-9, 784 A.2d 18 ("When facts or reasonable inferences are in dispute on a material point, summary judgment may not be entered").

Plaintiff contends that "[t]his Court should grant summary judgment here because the facts ... are not in dispute and establish a contractual liability." The court is not persuaded, however, as Defendant controverts a number of facts material to the issue of Defendant's liability. Defendant disputes, moreover, Plaintiff's claimed damages. See Defendant's Additional Statement of Material Facts at ¶¶ 4-6. Accordingly, because material facts are in dispute, it is hereby ORDERED that Plaintiff's Motion for Summary Judgment is DENIED.

DATED: 10/13/15



Hon. Keith A. Powers
Maine District Court Judge

STATE OF MAINE
Cumberland, ss, Clerk's Office

OCT 14 2015

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