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STATE OF MAINE
CUMBERLAND, ss

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-19-438

MARK WHITE,

Plaintiff

v.

ORDER

JACQUELINE WIEGLEB,

Defendant

RECEIVED CLERK'S OFFICE
JUN 12 2020

Defendant Jacqueline Wiegleb has filed a motion to dismiss. The basis of the motion is the argument that under M.R.Civ.P.13(a), plaintiff Mark White's defamation claims were required to asserted as compulsory counterclaims in *Wiegleb v. White*, Docket No. CV-19-138 (Superior Court Cumberland County) because they arose out of the same transactions or occurrences that formed the subject of Wiegleb's claims in that action. CV-19-138 was the subject of a bench trial last February and was decided last March. The court can take judicial notice that the trial resulted in judgment in favor of Wiegleb on the assault and battery claims in counts one and two of her complaint.

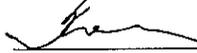
Wiegleb's motion to dismiss in this action was filed on March 2, 2020 and included a Rule 7(b)(1) notice. Originally White would have been required to file an opposition on or before March 23, 2020. The Pandemic Management Orders extended that deadline to May 11, 2020.

No opposition has been filed by White, and a month has passed since the May 11 deadline. Accordingly, Wiegleb's motion is granted and the complaint is dismissed.

The entry shall be:

Plaintiff's motion to dismiss the complaint is granted. The clerk shall incorporate this order in the docket by reference pursuant to Rule 79(a).

Dated: June 11, 2020



Thomas D. Warren
Justice, Superior Court

Entered on the Docket: 06/15/20 *me ✓*

Plaintiff—Randy Robinson, Esq.
Defendant—Lee Bals, Esq.