

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-22-100

DEBORAH WESOJA

v.

ORDER

CHENDA DOEUR

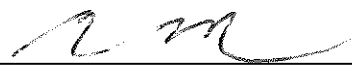
Before the court is Defendant's Motion to Modify Plaintiff's Attachment. Rule 4A(h) and 4B(j) require that the court move expeditiously. The court was unable to set up a call with counsel to discuss deadlines and therefore sets the following deadlines to avoid delay. Defendant to respond to Plaintiffs Motion by February 24. Defendant's Reply is due by March 1.

The court notes that on a motion to dissolve an *ex parte* attachment, the Defendant has now been heard. Therefore, whether the attachment was proper *ex parte* is not relevant. *Estate of Summers v. Nisbet*, 2016 ME 88, ¶ 10, 141 A.3d 1109 (on a motion to dissolve an *ex parte* motion for attachment, the "ex parte portion of the analysis becomes moot"). Instead, the burden is on the Plaintiff to justify the attachment to the extent it is challenged by the Defendant's affidavits. M.R.Civ.P. 4A(h) and 4B(j). The issue is simply whether the Plaintiff still makes the requisite showing to obtain an attachment. *Id.* The other issue is whether a modification with respect to specific property is warranted.

The entry is: Briefing Deadlines on Defendant's Motion to Modify Plaintiff's Attachment set.

This Order is incorporated on the docket by reference pursuant to M.R.Civ.P. 79(a).

Date: 2/15/23


Thomas R. McKeon
Justice, Maine Superior Court