

STATE OF MAINE  
Cumberland, ss

SUPERIOR COURT  
Civil Action  
Docket No. CV-95-572

ANGELA LAND and  
ROBERTA GOBERT,

Plaintiffs

vs.

ORDER ON DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT

DRUG REHABILITATION, INC.,  
d/b/a DAY ONE and  
DAVID DUBOIS

Defendant Drug Rehabilitation, Inc. (Day One) has filed a Motion for Summary Judgment as to all counts alleged against it in the complaint by Angela Land and her mother.

In brief, the complaint alleges that while Angela Land was under the care and supervision of Day One as an in-patient for substance abuse rehabilitation, David Dubois, an employee of Day One, had sexual relations with Miss Land and that she has suffered personal injury and emotional distress as a result of Dubois' conduct.

The court has reviewed the memoranda of the parties and compared the factual allegations set out in the Statement of Material Facts, the several affidavits, depositions and other material submitted in support of and in opposition to the motion.

A motion for summary judgment is a mechanism which can lead to an early determination of a case, but it is not a short-cut for a trial. It is not the role of the court to decide facts properly left to a jury or presented to the court in the advocacy process of trial. "A party is entitled to summary judgment only if there is no genuine issue of material fact and that party is entitled to a judgment as a matter of

15 A 3 27

DONALD L. GARBRECHT  
LAW LIBRARY

2000

law." *Saucier v State Tax Assessor*, 2000 ME 8, ¶ 4, 745 A.2d 972, 975. The court must consider all controverted facts in the light most favorable to the non-moving party. See *Steeves v. Bernstein, Shur, Sawyer and Nelson, PA.*, 1998 ME 210, ¶11, 718 A.2d 186, 190.

The legal theories advanced in by plaintiffs in this case are fact specific. Even though some of the issues and theories may seem contradictory or inconsistent, there are sufficient factual discrepancies as to material facts that Day One's Motion for Summary Judgment must be denied.

The entry will be:

Defendant Day One's Motion for Summary Judgment is denied.

September 14, 2000



---

Thomas E. Delahanty II  
Justice, Superior Court

Date Filed 6-23-95

CUMBERLAND  
County

Docket No. CV 95-572

Action PERSONAL INJURY

ANGELA LAND  
ROBERT GOBERT

DRUG REHABILITATION INC d/b/a DAY ONE  
DAVID E. DUBOIS

OCT 11 2005

vs.

Plaintiff's Attorney

John B. Cole, Esq.  
William Stiles, Esq.  
PO BOX 3200  
Auburn, Maine 04210

Defendant's Attorney

~~David Dubois, Pro Se~~  
17 Mallison Falls Road  
Windham, Maine 04062

Mark Lavoie, Esq. (Drug Reh.) & (DUBOIS)  
P.O. Box 4600  
Portland, Maine 04112

Date of  
Entry