

STATE OF MAINE
CUMBERLAND, ss

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CLERK'S OFFICE

SEP 22 2 38 PM '00

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-99-708
NM - CUM - 9/22/2000

MACE C. GAMMON,

Plaintiff

vs.

LINDA GALLAGHER,

Defendant

ORDER ON PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT AND
DEFENDANT'S CROSS MOTION FOR
SUMMARY JUDGMENT

The plaintiff seeks a summary judgment on his complaint. Although the plaintiff filed an affidavit and photocopies of a check and a document written by the plaintiff, the plaintiff filed no statement of undisputed material facts. See M.R. Civ. P. 7(d)(1) & 56(c). Accordingly, the plaintiff's motion for summary judgment is denied.

With regard to the defendant's cross motion for summary judgment, the plaintiff has failed to raise a disputed issue of material fact regarding any amount owed to the plaintiff for services allegedly rendered by the plaintiff to the defendant. The plaintiff's statement of disputed material facts contains insufficient or incorrect record references or no record references. See M.R. Civ. P. 7(d)(2); Pl.'s SDMF, ¶¶ 1-2, 4-6.¹ The plaintiff does not respond specifically to the defendant's statement of

¹In support of his motion for summary judgment, the plaintiff filed an affidavit dated 6/20/00. The plaintiff filed an unsigned affidavit dated 12/9/99 with his complaint.

material facts. See Saucier v. State Tax Assessor, 2000 ME 8, ¶ 5, 745 A.2d 972, 974.

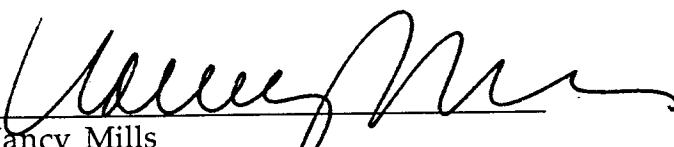
Accordingly, the defendant's cross motion for summary judgment is granted.

The entry is

The Plaintiff's Motion for Summary Judgment is DENIED.

The Defendant's Cross Motion for Summary Judgment is GRANTED. Judgment is entered in favor of the Defendant and against the Plaintiff on the Plaintiff's Complaint.

Dated: September 22, 2000



Nancy Mills
Justice, Superior Court

CUM-CV-99-708

Date Filed 12-13-99

CUMBERLAND

Docket No. CV 99-708

County

Action CONTRACT

MACE GAMMON

LINDA GALLAGHER

vs.

Plaintiff's Attorney

MACE GAMMON PRO SE
PO BOX 250, SOUTH WINDHAM, ME 04082

Defendant's Attorney

Douglas J. Payne, Esq. 725-1368
P.O Box 550
Brunswick, Me. 04011-0550

DONALD L. GARBRECHT
LAW LIBRARY

OCT 11 2000

Date of
Entry

1999

Dec. 13

Received 12-13-99:
Complaint Summary Sheet filed.
Complaint filed.

" "

" "

Affidavit of Mace Gammon with Attachments filed.

" "

Affidavit and Application to Proceed in Forma Pauperis filed.

Dec. 15

Received 12/15/99:
ORDER filed. (Delahanty, J.)

IT IS ORDERED that the filing fee is waived. If plaintiff settles case or receives judgment he shall then pay all applicable fees.

"" ""

On 12/15/99: Copy mailed to Mace Gammon, P.O. Box 250, South Windham, Maine 04082.

2000

Jan. 5

Received 1-5-00.
Letter from Mace Gammon with attachments regarding service filed.
Letter mailed to Mace Gammon in response to his letter. Copy filed.

""

Jan. 7

Received 1-7-00.
Letter from Mace Gammon in regards to his previous letter received 12-30-99 filed.

""

Letter mailed to Mace Gammon in response to his letter. Copy filed.

Jan. 10

Received 01.10.00:
Letter from Mace Gammon, regarding application to proceed without payment of fees filed.

" "

Received 01.10.00:
Application to proceed without payment of fees filed.

Jan. 14

On 01/11/00:
As to Application to proceed without payment of fees, ORDER, Based on the Court's 12/15/00, the Court finds that the applicant is proceeding in good faith and is without sufficient funds to pay certain fees or costs. It is ORDERED that the service costs shall be paid as an expense of administration only the applicant first attempts service by mail with acknowledgement. Service by publication will not be approved except on specific motion. Plaintiff shall first attempt & effect Service under Rule 4(c)(1). Only after proof that service under 4(c)(1) has been unavailing shall service costs be paid as an expense of

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