

STATE OF MAINE
PENOBSCOT, SS.

SUPERIOR COURT
CIVIL ACTION
Docket No. CV-03-6
LH-PEN-7/15/2003

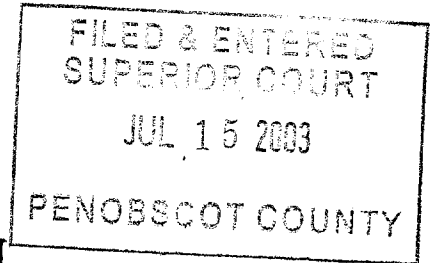
A.G. Edwards & Sons, Inc. et al.,
Petitioners

v.

Order

Ruth F. Epstein,
Respondent

DONALD L. GARBRECHT
LAW LIBRARY



AUG 5 2003

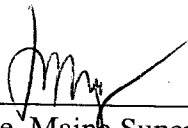
After the petitioners commenced this proceeding to confirm an arbitration award pursuant to 14 M.R.S.A. § 5937, the court issued a procedural order setting a 21 day time period, commencing from the date of that order (April 19, 2003), in which the respondent would be permitted to file an objection, opposition or other response to the petitioners' application. On May 12, Bernard A. Kansky filed a limited appearance on behalf of the respondent. Kansky also filed a motion to dismiss and a supporting written argument. Kansky filed this material on behalf of "Ruth F. Epstein, Pro Se" in his stated capacity as "Her Durable Power of Attorney-In-Fact." The petitioners note in their response to Kansky's submissions that he is an attorney. He is not, however, licensed to practice in the State of Maine, as the Board of Bar Overseers has confirmed. Thus, Kansky has not purported to appear – and, under the present circumstances, in fact cannot appear – in the Maine state courts as an attorney at law.

Further, the Law Court has held squarely that one person may not represent another as an "attorney in fact." *Haynes v. Jackson*, 2000 ME 11, ¶ 13, 744 A.2d 1050, 1053. Any submissions filed by an "attorney in fact" on behalf of a named party "can be given no effect." *Id.*, ¶ 15, 744 A.2d at 1054. Therefore, Kansky's entry of a limited appearance and his substantive filings cannot be considered in opposition to the petitioners' application. Consequently, the application will be granted.

The entry shall be:

For the foregoing reasons, the court strikes all material filed on behalf of the respondent. The court will grant the petitioners' application to confirm the arbitration award. Counsel for the petitioners shall file a proposed confirmation order.

Dated: July 15, 2003



Justice, Maine Superior Court
Jeffrey L. Hjelm

A G EDWARDS AND SONS INC - PLAINTIFF

SUPERIOR COURT
PENOBSCOT, ss.
Docket No BANS-CV-2003-00006

Attorney for: A G EDWARDS AND SONS INC
PATRICIA PEARD
BERNSTEIN SHUR SAWYER & NELSON
100 MIDDLE ST
PO BOX 9729
PORTLAND ME 04104-5029

DOCKET RECORD

Attorney for: A G EDWARDS AND SONS INC
RONALD SCHNEIDER
BERNSTEIN SHUR SAWYER & NELSON
100 MIDDLE ST
PO BOX 9729
PORTLAND ME 04104-5029

BETSY P CHAPMAN - PLAINTIFF

Attorney for: BETSY P CHAPMAN
PATRICIA PEARD
BERNSTEIN SHUR SAWYER & NELSON
100 MIDDLE ST
PO BOX 9729
PORTLAND ME 04104-5029

Attorney for: BETSY P CHAPMAN
RONALD SCHNEIDER
BERNSTEIN SHUR SAWYER & NELSON
100 MIDDLE ST
PO BOX 9729
PORTLAND ME 04104-5029

HARRY W MOSES - PLAINTIFF

Attorney for: HARRY W MOSES
PATRICIA PEARD
BERNSTEIN SHUR SAWYER & NELSON
100 MIDDLE ST
PO BOX 9729
PORTLAND ME 04104-5029

Attorney for: HARRY W MOSES
RONALD SCHNEIDER
BERNSTEIN SHUR SAWYER & NELSON
100 MIDDLE ST
PO BOX 9729
PORTLAND ME 04104-5029

vs
RUTH F EPSTEIN - DEFENDANT
103 ALETHA
NEEDHAM MA 02492

Filing Document: APPLICATION
Filing Date: 01/10/2003

Minor Case Type: ARBITRATION AWARDS