

STATE OF MAINE
PENOBSCOT, SS.

SUPERIOR COURT
Docket No. CV-04-129

AMM-PC-04-129

STEVEN LAFRANCE,)
Plaintiff)
)
)
v.)
)
LESTER CARROW,)
Defendant.)

ORDER ON MOTION
FOR SUMMARY JUDGMENT

FILED & ENTERED
SUPERIOR COURT
SEP 12 2005
PENOBSCOT COUNTY

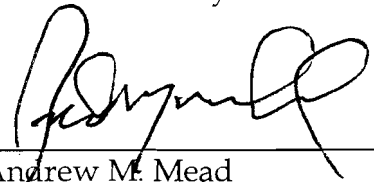
The Plaintiff moves for summary judgment. Although he does not mention the principle of *res judicata*, this concept requires the entry of summary judgment upon the liability aspects of his Complaint. The fact that a criminal judgment for Assault has been entered against the Defendant for the acts complained of in the Complaint deprives the Defendant of his opportunity to defend the liability aspects of the claim. Further, the Defendant's failure to comply with Rule 56(h)(2) also requires entry of judgment.

Accordingly, summary judgment is entered in favor of the Plaintiff on all liability aspects of his Complaint. The matter will be set for hearing on damages as soon as the court's docket permits.

So Ordered.

The Clerk may incorporate this Order upon the docket by reference.

Dated: September 12, 2005



Andrew M. Mead
JUSTICE, MAINE SUPERIOR COURT

STEVEN R LAFRANCE - PLAINTIFF
444 UPPER GARLAND ROAD
DEXTER ME 04930
Attorney for: STEVEN R LAFRANCE
STEPHEN C SMITH - RETAINED 06/18/2004
LAW OFFICES OF STEPHEN C SMITH PA
28 MAIN STREET SUITE 1
BANGOR ME 04401

SUPERIOR COURT
PENOBSCOT, ss.
Docket No BANS-CV-2004-00129

DOCKET RECORD

vs
LESTER CARROW - DEFENDANT
139 GARLAND ROAD
EXETER ME 04435

Filing Document: COMPLAINT Minor Case Type: ASSAULT/BATTERY
Filing Date: 06/18/2004

Docket Events:

- 06/21/2004 FILING DOCUMENT - COMPLAINT FILED ON 06/18/2004

- 06/21/2004 Party(s): STEVEN R LAFRANCE
ATTORNEY - RETAINED ENTERED ON 06/18/2004
Plaintiff's Attorney: STEPHEN C SMITH

- 06/21/2004 Party(s): LESTER CARROW
SUMMONS/SERVICE - CIVIL SUMMONS SERVED ON 06/11/2004
AS TO DEFENDANT.

- 06/21/2004 Party(s): LESTER CARROW
SUMMONS/SERVICE - CIVIL SUMMONS FILED ON 06/18/2004

- 06/21/2004 CERTIFY/NOTIFICATION - CASE FILE NOTICE SENT ON 06/18/2004
TO ATTORNEY FOR PLAINTIFF.

- 06/21/2004 Party(s): LESTER CARROW
RESPONSIVE PLEADING - ANSWER FILED ON 06/18/2004
BY DEFENDANT, PRO SE. (RECEIVED 6/17/04)

- 06/22/2004 ORDER - SCHEDULING ORDER ENTERED ON 06/22/2004
ANDREW M MEAD , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL

- 06/22/2004 DISCOVERY FILING - DISCOVERY DEADLINE ENTERED ON 03/01/2005

- 06/22/2004 ASSIGNMENT - SINGLE JUDGE/JUSTICE ASSIGNED TO JUSTICE ON 06/22/2004
ANDREW M MEAD , JUSTICE

- 07/23/2004 Party(s): STEVEN R LAFRANCE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 07/22/2004
PLAINTIFF'S FIRST SET OF INTERROGATORIES PROPOUNDED UPON DEFENDANT LESTER CARROW AND
PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS PROPOUNDED UPON DEFENDANT
LESTER CARROW.

- 09/02/2004 Party(s): STEVEN R LAFRANCE