

STATE OF MAINE  
PENOBSCOT, SS.

SUPERIOR COURT  
Docket No. RE-00-53

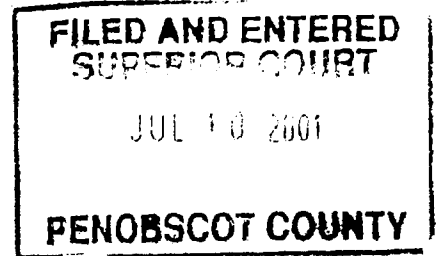
JLH - PEN - 7/9/2001

S.G. Marino Crane Service Corp.,  
Plaintiff,

v.

ORDER

The Saxon Group, Inc.,  
Party-in-Interest



Pending before the court is the plaintiff's motion to amend its complaint to allege a direct claim against The Saxon Group, Inc., which presently appears in this action exclusively as a party-in-interest.

The November 14, 2000, scheduling order permitted the parties 4 months from that date to seek joinder of additional parties or to amend the pleadings. The plaintiff's pending motion was filed nearly 3 months after that presumptive deadline. The plaintiff has not shown cause for that delay.

If the plaintiff's motion were granted, Saxon's role in this action would be much different than its original position, where it appeared only because of its secured interest in an asset in which the plaintiff also held some security. It was included in this action only so that the priority of its lien could be determined relative to the plaintiff's interest. The motion to amend itself does not indicate the nature of the claim that the plaintiff seeks to pursue against Saxon, and the plaintiff has not filed a proposed amended pleading embodying such a claim. Nonetheless, it is apparent

that the plaintiff seeks to assert a direct claim against Saxon, perhaps for money damages. This casts Saxon in a wholly new role that would work to Saxon's unfair prejudice. For example, because the discovery deadline is August 1, 2001, Saxon would be unable to initiate any discovery in time for its completion within that discovery period. Under these circumstances, the motion to amend must be denied.

The entry shall be:

For the reasons set out in the order dated July 10, 2001, the plaintiff's motion to amend is denied. Pursuant to the order dated May 23, 2000, the complaint against Saxon is dismissed with prejudice.

Dated: July 10, 2001

  
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JUSTICE, SUPERIOR COURT  
Jeffrey L. Hjelm

Date Filed 10/4/00

PENOBSCOT

Docket No. RE-2000-53

County

**\*3/7/01 Dismissed**

Action MECHANICS LIEN (Title to Real Estate Involved)

ASSIGNED TO JUSTICE JEFFREY L. HJELM

\*CASCO BAY ENERGY COMPANY, LLC AND  
\*THE SAXON GROUP INC AND **Dismissed 7/10/01**  
\*H.E.SARGENT, INC AND  
\*THE SPARTAN GROUP, INC. Parties-in-  
Interest

S.G.MARINO CRANE SERVICE CORPORATION vs.

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Date of  
Entry