

STATE OF MAINE
Sagadahoc, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. AP-13-008

SAG-A.MH-16-13-14

PETER MOSSA

Plaintiff/Appellee

v.

BILL PATTERSON

Defendant/Appellant

DECISION AND ORDER

This matter is before the court on the appeal of Bill Patterson, the defendant in this small claims case, from the decision of the District Court (District Sixth, West Bath) granting a small claims judgment to Peter Mossa, the plaintiff.

The scheduling order dated December 31, 2013 required the appellant, Mr. Patterson, to file his brief within 40 days of that date. However, there is a transcript order in the file, and there is also a copy of an e-mail transmittal dated January 10, 2014, from AVTranz to Mr. Patterson quoting him a fee for preparation of the transcript.

Nothing has happened since then. There is no evidence that a transcript is forthcoming or has been paid for, and no appellant's brief has been filed.

Accordingly, this appeal is hereby dismissed with prejudice for failure to prosecute the appeal, provided that the appellant Bill Patterson may, within 20 days of this Order, file a motion to vacate the dismissal and restore this case to the docket. Any such motion must be accompanied by proof in the form of a receipt showing that he made timely payment for the transcript of the hearing.

Pursuant to M.R. Civ. P. 79(b), the Clerk is hereby directed to incorporate this order by reference in the docket.

DATED: *June 13, 2014*



A. M. Horton, Justice