

STATE OF MAINE
YORK, SS

SUPERIOR COURT
DOCKET No. CV-2008-298
PAF - 108 - 12/11/09

GLENN FARRELL,)
)
Plaintiff)
v.)
)
BANK OF AMERICA,)
)
and)
)
ANNE HODGIN)
)
Defendants)

**ORDER ON MOTION FOR
SUMMARY JUDGMENT**

This matter came on for a hearing on Defendants' Joint Motion for Summary Judgment and, after hearing, this Court ORDERS that the Defendants' Motion for Summary Judgment is GRANTED because based on the record in this case there are no genuine issues of material facts and based on the facts presented, Defendants are entitled to judgment in their favor as a matter of law. Plaintiffs have failed to establish a prima facie case for negligence, trespass or nuisance against either Defendant. SO ORDERED. *Judgment for the defendants.*

Dated:
12/11/09

Paul A. Furbush
Justice, Superior Court

*I have read Johnson v Whitten, 384 A2d 698 (Me 1978),
McRae v Camden + Rockland Water Co, 138 Me 110 (1941),
(with its reference to Woodmen and Stewart at 112-113), and
Woodmen and Stewart v The Texas Company, 133 Me 260 (1935).
Also see Smith v Preston, 104 Me 156, 161 (1908) for the
proposition that, "It is too well settled
to need the citation of authorities that no
one may artificially collect water on his own
land, by means of building or otherwise, and discharge it
unlawfully upon his neighbor's property upon which it would
not have naturally fallen." These cases support the defendants' arguments.*

PLAINTIFF

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DEFENDANT - BANK OF AMERICA CORPORATION

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DEFENDANT - ANNE HODGIN

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