

STATE OF MAINE

YORK, ss.

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. CV-11-20  
JHO - -/OR - 6/7/2012

SHIRLEY EMERY,

Plaintiff

v.

ORDER

NELSON PROPERTY SERVICES, INC.,

Defendant

Upon consideration of the Defendant's Motion for Summary Judgment, the Court hereby GRANTS Defendant's Motion as to all counts of Plaintiff's Complaint because Defendant did not owe Plaintiff a duty to keep the premises at M.W. Sewall/Clipper Mart in reasonably safe conditions as a matter of law. The Court concludes after review of *Davis v. R C & Sons Paving*, 2011 ME 88, that no duty in tort exists nor are there material issues of fact in dispute establishing the plaintiff as a specified and intended third party beneficiary to the plowing contract.

The Clerk shall incorporate this Order into the Docket by reference pursuant to M.R.Civ.P. 79(a).

Dated: June 7, 2012

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John H. O'Neil, Jr.  
Justice, Superior Court