STATE OF MAINE

YORK, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-98-237
PAF-YOR-5/1/2000

DONALD L. GARBRECHT
LAW LIBRARY

MAY 5 2000

WILLIAM I. JOHNSON,

Plaintiff

v.

ORDER

JOSEPH G. CARLETON, JR.,

Defendant

The defendant Joseph G. Carleton, Jr. has filed a motion for summary judgment in this case involving a two count claim of negligence and breach of contract against him as an attorney in preparing a purchase and sale agreement for the plaintiff who wanted to buy real estate from an elderly gentleman. The plaintiff William I. Johnson claims that had Attorney Carleton done a proper job that he would have been able to make the sale go forward and obtain property at a highly favorable price. He claims that the contract was written in a way that did not authorize specific performance and allowed the seller to get out of the contract too inexpensively.

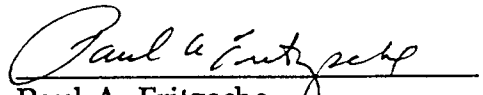
Mr. Carleton has quite properly noted the questionable competency of the seller and the questionable ethics of the plaintiff. The motion will not be decided on these two grounds. Rather the plaintiff has not produced the necessary evidence to meet his burden of showing proximate causation. Two lengthy recent Law Court cases involving claims against attorneys for negligence are dispositive. See *Corey v.*

Norman, Hanson & DeTroy, 1999 Me. 196 ¶13 and 14 and *Steeves v. Bernstein, Shur, Sawyer & Nelson, P.C.*, 1998 Me. 210, ¶12 and 13, 718 A.2d 186.

The entry is:

Defendant's motion for summary judgment is granted. Judgment for the defendant.

Dated: May 1, 2000



Paul A. Fritzsche
Justice, Superior Court

Nicholas H. Walsh, Esq. - PL
Theodore H. Kirchner, Esq. - DEF