

STATE OF MAINE  
CUMBERLAND, ss

BUSINESS AND CONSUMER COURT  
Location: Portland  
Docket No.: BCD-CV-10-21

	)
MICHAEL MAHAR, Personal	)
Representative of the ESTATE OF	)
MYRTLE J. MAHAR,	)
	)
Plaintiff,	)
	)
v.	)
	)
SULLIVAN & MERRITT, INC.,	)
DEZURIK, INC., F.W. WEBB CO.,	)
GENERAL ELECTRIC CO., CBS CORP.,	)
THOMAS DICENZO, INC., GOULDS	)
PUMPS, INC., WARREN PUMPS, LLC,	)
JOS. A. BERTRAM, INC.,	)
PEARSE-BERTRAM, LLC, and	)
BERTRAM CONTROLS CORP., LLC,	)
	)
Defendants	)
	)

**DECISION AND ORDER**  
(Goulds Pumps, Inc.)

In this action, Plaintiff seeks to recover damages allegedly resulting from the death of Myrtle J. Mahar (the Decedent) due to her exposure to asbestos during the course of her employment at the Georgia-Pacific mill (now the Domtar mill) in Woodland, Maine (hereinafter, the "Woodland mill"). Plaintiff alleges that as a result of exposure to asbestos used with products manufactured by or removed by the Defendants, the Decedent contracted mesothelioma, which resulted in her death. Before the Court is the summary judgment motion of Defendant Goulds Pumps, Inc. (Goulds).

I. FACTUAL BACKGROUND

The Decedent worked at the Woodland mill from April 1977 until July 2008 as a laborer, spare laborer, and janitor. (Supp. S.M.F. ¶ 1; Opp. S.M.F. ¶ 1.) As a janitor, the Decedent

cleaned bathrooms, offices, and hallways, and on the yard crew she cleared debris. (Supp. S.M.F. ¶¶ 12, 18; Opp. S.M.F. ¶¶ 12, 18.)<sup>1</sup> As a spare, the Decedent both cleaned and painted the exterior of pumps. (Supp. S.M.F. ¶¶ 7-8; Opp. S.M.F. ¶¶ 7-8.)<sup>2</sup> As a janitor, the Decedent was responsible for cleaning offices and a bathroom, among others places, at the Woodland Mill. (Supp. S.M.F. ¶¶ 15, 18; Opp. S.M.F. ¶¶ 15, 18.) The Decedent also cleaned in areas where pumps and valves were present, and cleaned in areas after work had been done on pumps and valves. (Supp. S.M.F. ¶ 19; Opp. S.M.F. ¶¶ 7, 19; A.S.M.F. ¶ 1; Reply S.M.F. ¶ 1.)<sup>3</sup> The Decedent did not clean pumps in her work as a janitor,<sup>4</sup> and throughout her time at the Woodland mill, the Decedent never repacked pumps, tore apart pumps, or disassembled a pump.<sup>5</sup> (Supp. S.M.F. ¶¶ 8-9, 13; Opp. S.M.F. ¶¶ 8-9, 13.)

The Decedent and co-workers of the Decedent recall the presence of Goulds pumps at the Woodland Mill. (A.S.M.F. ¶¶ 2, 6, 10; Reply S.M.F. ¶¶ 2, 6, 10; Supp. S.M.F. ¶¶ 24, 25; Opp. S.M.F. ¶¶ 24, 25.) A co-worker of the Decedent, Brian Canane, testified that Goulds pumps at the Woodland mill contained asbestos packing and gaskets. (Opp. S.M.F. ¶ 29; Goulds Exh. K 23:5-22; A.S.M.F. ¶¶ 9, 11; Reply S.M.F. ¶¶ 9.)<sup>6</sup> He also recalled seeing the Decedent cleaning

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<sup>1</sup> Plaintiff's denial of paragraph 12 is really more in the form of a qualification. Presumably the denial relates to the phrase "only," which is supported by the cited testimony; Plaintiff makes the point that the Decedent cleared debris as part of the yard crew. (See Opp. S.M.F. ¶ 12.)

<sup>2</sup> Goulds states that "Myrtle Mahar never worked on pumps except for painting them." (Supp. S.M.F. ¶ 7.) At the cited deposition testimony, however, the Decedent testified that she did not work on pumps except to *clean or paint* them. (Goulds Exh. D 59:6-7.)

<sup>3</sup> Paragraph 7 of Goulds's supporting statement of material facts is not fully supported by the record citation, but paragraph 7 of Plaintiff's opposing statement of material facts is fully supported by the record citation.

<sup>4</sup> This statement of material fact is somewhat misleading. The cited testimony does indicate that she did not clean pumps as a *janitor*, but the immediately preceding testimony indicates that as a spare, the Decedent cleaned pumps as a precursor to painting them. (Goulds Exh. D 59:8-14.) Cleaning pumps included washing the outside of the pump and brushing off any debris or loose paint. (Goulds Exh. D 59:8-12.)

<sup>5</sup> There is some inconsistency in the statements of material facts as to whether the Decedent worked "directly" on equipment. Plaintiff admits that the Decedent did not work directly on pumps or equipment (Supp. S.M.F. ¶¶ 13, 19; Opp. S.M.F. ¶¶ 13, 19), but the parties agree that the Decedent did paint pumps, (Supp. S.M.F. ¶ 7; Opp. S.M.F. ¶ 7), and the record supports that she cleaned them as well (Goulds Exh. D 59:6-7).

<sup>6</sup> Goulds objects that Canane's testimony is only his opinion and that he has not been designated as an expert witness, but the Court disagrees. Canane was a union pipefitter at the Woodland mill and can testify to his

in areas where Goulds pumps were torn apart and being serviced, but does not remember Ms. Mahar working on a Goulds pump. (Opp. S.M.F. ¶ 29; A.S.M.F. ¶ 11; Reply S.M.F. ¶ 11; Goulds Exh. K 81:19-84:16.) Goulds shipped pumps with asbestos packing and gaskets until 1984.<sup>7</sup> (A.S.M.F. ¶ 18; Reply S.M.F. ¶ 18.)

The parties dispute whether the Plaintiff presented sufficient admissible evidence regarding the use of asbestos in Goulds pumps. (A.S.M.F. ¶¶ 12-21; Reply S.M.F. ¶¶ 12-21.)

## II. PROCEDURAL BACKGROUND

Myrtle J. Mahar filed suit in Washington County Superior Court. The amended complaint asserts eight causes of action. The principal counts relevant to the present motion are: negligent failure to warn (Count I); strict liability failure to warn, *see* 14 M.R.S. § 221 (2011), (Count II); and punitive damages (Count IV), which were asserted against all named Defendants.

In Counts I and II, Plaintiff relies on the Defendants' sale of asbestos containing equipment to the Woodland mill without adequate warning of the dangers of asbestos. In Count IV, Plaintiff seeks punitive damages for the Defendants' willful and malicious actions that were "in total disregard of the health and safety of the users and consumers of their products." (Compl. ¶ 40.) The Decedent passed away on October 1, 2009. (*See* Sugg. of Death, filed Mar. 29, 2010.) The present Plaintiff was substituted for the Decedent on July 11, 2011.

## III. DISCUSSION

### A. Standard of Review

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ownobservations without expert witness designation. (A.S.M.F. ¶ 8; Reply S.M.F. ¶ 8.) Goulds also points out that the "testimony does not establish that the pumps and valves identified by the witness contained asbestos gaskets at the time of their delivery to the mill." (Opp. S.M.F. ¶ 9.)

<sup>7</sup> The Plaintiff's citation indicates the supporting evidence is on page 10 of the cited deposition, but in fact the cited testimony is on page 18. Goulds denies the statement as unsupported by the record citation, but also states: "It is assumed that there is a typographical error in the record citation." (Reply S.M.F. ¶ 18.) Goulds does not otherwise admit, deny, or qualify the statement of material fact. The cited deposition is of Barry Bradshaw, a corporate representative of Goulds, who was deposed in 1991. (A.S.M.F. ¶ 16; Reply S.M.F. ¶ 16.) The typographical error is likely the result of the poor quality of the copy of the deposition. In any event, the exhibit only includes portions of the deposition that were quoted and the page with the testimony is easily identifiable by the Plaintiff's highlighting.

Pursuant to M.R. Civ. P. 56(c), a moving party is entitled to summary judgment “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, . . . show that there is no genuine issue as to any material fact set forth in those statements and that [the] party is entitled to a judgment as a matter of law.” *See also Beal v. Allstate Ins. Co.*, 2010 ME 20, ¶ 11, 989 A.2d 733. A party wishing to avoid summary judgment must present a prima facie case for each element of the claim or defense that is asserted against it. *See Reliance Nat’l Indem. v. Knowles Indus. Svcs.*, 2005 ME 29, ¶ 9, 868 A.2d 220. “If material facts are disputed, the dispute must be resolved through fact-finding.” *Arrow Fastener Co. v. Wrabacon, Inc.*, 2007 ME 34, ¶ 18, 917 A.2d 123 (quotation marks omitted). A factual issue is genuine when there is sufficient supporting evidence for the claimed fact that would require a fact-finder to choose between competing versions of the facts at trial. *See Inkel v. Livingston*, 2005 ME 42, ¶ 4, 869 A.2d 745.

B. Applicable Substantive Law

Plaintiff’s primary causes of action against Goulds are negligence and strict liability. Plaintiff alleges that Goulds manufactured asbestos containing products, that the Decedent was exposed to asbestos from those products in her work at the Woodland mill, and that the Decedent’s exposure to asbestos from Goulds’s products was a substantial factor in bringing about her death from mesothelioma.

“The essential elements of a claim for negligence are duty, breach, proximate causation, and harm.” *Baker v. Farrand*, 2011 ME 91, ¶ 11, 26 A.3d 806. A plaintiff must demonstrate that “a violation of the duty to use the appropriate level of care towards another, is the legal cause of harm to” the plaintiff and that the defendant’s “conduct [was] a substantial factor in bringing about the harm.” *Spickler v. York*, 566 A.2d 1385, 1390 (Me. 1993) (internal citations

omitted); *see also Bonin v. Crepeau*, 2005 ME 59, ¶ 10, 873 A.2d 346 (outlining negligence cause of action for supplying a product without adequate warnings to the user); RESTATEMENT (SECOND) OF TORTS § 388 (1965). “Maine’s strict liability statute, [14 M.R.S. § 221], imposes liability on manufacturers and suppliers who market defective, unreasonably dangerous products,” including liability for defects based on the failure to warn of the product’s dangers. *See Bernier v. Raymark Indus., Inc.*, 516 A.2d 534, 537 (Me. 1986); *see also Pottle v. Up-Right, Inc.*, 628 A.2d 672, 674-75 (Me. 1993).

As the asbestos litigation has evolved both nationally and within Maine, the level of proof necessary to establish the requisite relationship between a plaintiff’s injuries and a defendant’s product has been subject of much debate. A majority of jurisdictions have adopted the standard articulated by the court in *Lohrmann v. Pittsburgh Corning Corp.*, 782 F.2d 1156 (4th Cir. 1986), where the court construed the “substantial factor” test of the RESTATEMENT (SECOND) OF TORTS.<sup>8</sup> In *Lohrmann*, the court announced and applied the frequency, regularity, and proximity test, which requires a plaintiff to “prove more than a casual or minimum contact with the product” that contains asbestos. 782 F.2d at 1162. Rather, under *Lohrmann*, a plaintiff must present “evidence of exposure to a specific product on a regular basis over some extended period of time in proximity to where the plaintiff actually worked.” *Id.* at 1162-63. *Lohrmann* suggests that the Court engage a quantitative analysis of a party’s exposure to asbestos in order to determine whether, as a matter of law, the party can prevail. *See id.* at 1163-64.

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<sup>8</sup> The RESTATEMENT (SECOND) OF TORTS is consistent with the causation standard in Maine. Section 431 provides in pertinent part that “[t]he actor’s negligent conduct is a legal cause of harm to another if . . . his conduct is a substantial factor in bringing about the harm . . .” RESTATEMENT (SECOND) OF TORTS § 431(a).

Although the Maine Law Court has not addressed the issue, at least one Justice of the Maine Superior Court has expressly rejected the *Lohrmann* standard. Justice Ellen Gorman<sup>9</sup> rejected the *Lohrmann* standard “because it is entirely the jury’s function to determine if the conduct of the defendant was a substantial factor in causing the plaintiff’s injury and because it is not appropriate for the court to determine whether a plaintiff has proven that a defendant’s product proximately caused the harm.” *Campbell v. The H.B. Smith Co., Inc.*, Docket No. LINS-CV-2004-57, at 7 (Me. Super. Ct., Lin. Cty., Apr. 2, 2007) (Gorman, J).<sup>10</sup> In rejecting the *Lohrmann* standard, Justice Gorman wrote that to establish a *prima facie* case, a plaintiff must demonstrate:

(1) medical causation – that the plaintiff’s exposure to the defendant’s product was a substantial factor in causing the plaintiff’s injury and (2) product nexus – that the defendant’s asbestos-containing product was *at the site where plaintiff worked or was present, and that the plaintiff was in proximity to that product at the time it was being used* ... a plaintiff must prove not only that the asbestos products were used at the worksite, but that the employee inhaled the asbestos from the defendant’s product.

*Id.* (quoting 63 AM. JUR. 2D *Products Liability* § 70 (2001) (emphasis added)).

Insofar as under *Lohrmann* a plaintiff must prove exposure to asbestos over a sustained period of time while under the standard applied by Justice Gorman a plaintiff must only demonstrate that plaintiff was in proximity to the product at the time that it was being used, the *Lohrmann* standard imposes a higher threshold for claimants. The Court’s decision as to the applicable standard cannot, however, be controlled by the standard’s degree of difficulty. Instead, the standard must be consistent with basic principles of causation. In this regard, the Court agrees with the essence of Justice Gorman’s conclusion – to require a quantitative

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<sup>9</sup> At the time, Justice Gorman was a member of the Maine Superior Court. Justice Gorman was subsequently appointed to the Maine Supreme Judicial Court.

<sup>10</sup> Justice Gorman also rejected the *Lohrmann* standard for similar reasons in *Boyden v. Tri-State Packing Supply, et al.*, Docket No. CV-04-452 (Me. Super. Ct., Feb. 28, 2007).

assessment of a plaintiff's exposure to asbestos, as contemplated by *Lohrmann*, would usurp the fact finder's province. Whether a defendant's conduct caused a particular injury is at its core a question of fact. The Court perceives of no basis in law to deviate from this longstanding legal principle. The Court, therefore, concludes that in order to avoid summary judgment, in addition to producing evidence of medical causation, a plaintiff must establish the product nexus through competent evidence. In particular, a plaintiff must demonstrate (1) that the defendant's product was at the defendant's work place, (2) that the defendant's product contained asbestos, (3) and that the plaintiff had personal contact with the asbestos from the defendant's product. If a plaintiff produces such evidence, which can be either direct or circumstantial, the question of whether the defendant's product was a "substantial factor" in causing the plaintiff's damages is for the jury.

Thus, to survive the motion for summary judgment, the Plaintiffs must demonstrate that: (1) Goulds's product was at the Woodland mill, (2) Goulds's product at the Woodland mill contained asbestos, and (3) the Decedent had personal contact with asbestos from Goulds's product. "If a plaintiff produces such evidence, which can be either direct or circumstantial, the question of whether the defendant's product was a 'substantial factor' in causing the plaintiff's damages is for the jury." *Rumery v. Garlock Sealing Techs.*, 2009 Me. Super. LEXIS 73, at \*8 (Apr. 24, 2009); *see also Addy v. Jenkins, Inc.*, 2009 ME 46, ¶ 19, 969 A.2d 935 ("Proximate cause is generally a question of fact for the jury.").

### C. Analysis

#### I. Evidentiary Issues

Goulds asserts that the documentary evidence relied upon by the Plaintiff is hearsay and cannot meet the admissibility requirements of M.R. Civ. P. 56(e). *See* M.R. Evid. 803(6),

804(b)(1); *Beneficial Me., Inc. v. Carter*, 2011 ME 77, ¶¶ 13-14, 25 A.3d 96. (Goulds MSJ 4-6; Goulds Reply 1-3; see Reply S.M.F. ¶¶ 12-15, 19-21.) There are three sets of documents at issue.

The first group is comprised of documents provided by Georgia-Pacific/Domtar in a separate, unrelated proceeding, *Kilton v. F.W. Webb*—a case to which Goulds was not a party. (See Pl.’s Exhs. 9-11.) These documents consist of Georgia Pacific purchase orders for three models of Goulds pumps, model numbers 3196, 3175, and 3881, which were sold in various quantities to Georgia Pacific between August 22, 1979, and October 11, 1984. (A.S.M.F. ¶¶ 13-15.) Scott Beal, Environmental and Safety Manager of Georgia-Pacific/Domtar, authenticated the documents at issue in a deposition conducted in the *Kilton* case. (A.S.M.F. ¶ 12; Reply S.M.F. ¶ 12; see Pl.’s Exh. 8.) Goulds objects to Plaintiff’s reliance on these documents because they were not authenticated as business records by affidavit or deposition transcript by the record custodian in the *present* case. (Reply S.M.F. ¶¶ 13-15). Goulds also argues that the documents are inadmissible hearsay because they do not satisfy the former testimony exception in M.R. Evid. 804(b)(1) because Goulds was not a party to the *Kilton* case.<sup>11</sup> (Goulds Reply 2.) Goulds does not otherwise admit, deny, or qualify the statements of material fact that are based on the documents. (See Reply. S.M.F. ¶¶ 13-15.)

Goulds also challenges Plaintiff’s use of a Goulds brochure or instructional manual. (See Pl.’s Exh. 13.) Goulds objects that the brochure has not been properly authenticated as a business record by any witness, affiant, or deponent and thus is inadmissible hearsay. (Reply S.M.F. ¶¶ 19-20.) The provenance of the brochure is not clear, but the Plaintiff cites to it as it

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<sup>11</sup> M.R. Evid. 804(b)(1) excludes from the hearsay rule when the declarant is unavailable “[t]estimony given as a witness at another hearing of the same or a different proceeding . . . if the party against whom the testimony is now offered . . . had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination.”



relates to Goulds pump model 3196, which Plaintiff asserts was purchased by Georgia Pacific and contained asbestos in its box packing, casing, gland packing, and jacket cover. (A.S.M.F. ¶¶ 13, 19-20.)

The final document to which Plaintiff objects is a Goulds bulletin that was among the documents authenticated by Scott Beals. (See Pl.'s Exh. 14; A.S.M.F. ¶ 12.) Goulds maintains that the bulletin was not authenticated as a business record by affidavit or deposition transcript by the record custodian in the present case. (Reply S.M.F. ¶ 21.) Goulds does not otherwise admit, deny, or qualify the statement of material fact that is based on the bulletin. (Reply. S.M.F. ¶ 21.) Plaintiff cites to the bulletin as it relates to Goulds pump model 3175, which Plaintiff asserts was purchased by Georgia Pacific and contained asbestos in its stuffing box packing, gland packing, suction casing gasket, sideplate casing gasket, stuffing box cover, and water jacket cover. (A.S.M.F. ¶¶ 13, 21.)

First, in the Court's view, the brochure qualifies as an admission by a party opponent and perhaps could even be authenticated as an ancient document. See M.R. Evid. 801(d)(2); M.R. Evid. 901(b)(8). The Court thus will consider the brochure.

As to the remaining documents, Goulds's authentication objection is technically accurate: Plaintiff has not shown that the documents authenticated in the *Kilton* case by Mr. Beal are in fact the documents presented to the court.<sup>12</sup> However, Goulds does not suggest that the documents are *inauthentic* or could not be re-authenticated by Mr. Beal or by the source of the documents, only that they have not yet been *authenticated* in this matter. Regardless, as discussed below, even if the Court disregards these documents, Plaintiff has established a *prima facie* case of product nexus.

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<sup>12</sup> The deposition testimony of Scot Beal satisfies the elements of the business record exception otherwise, and Goulds has not argued that the testimony would not satisfy the same. See M.R. Evid. 803(6). (Pl.'s Exh. 8.)

2. Product Nexus

Goulds argues that Plaintiff cannot establish a connection between the Decedent and asbestos containing components from Goulds equipment. In other words, Goulds contends that Plaintiff cannot prove product nexus. Product nexus requires proof “that the defendant’s asbestos-containing product was at the site where the plaintiff worked or was present, and that the plaintiff was in proximity to that product at the time it was being used . . . .” *Boyden*, 2007 Me. Super. LEXIS 47 at \*11 (quotation marks omitted).

To establish that the Goulds pumps at the Woodland mill contained asbestos, Plaintiff relies primarily on the testimony Brian Canane. Canane testifies that the Goulds pumps at the mill contained asbestos gaskets and packing. (A.S.M.F. ¶¶ 9, 11; Pl.’s Exh. 5 23:5-22.) Goulds argues that the testimony lacks foundation for Canane to make the observation of asbestos gaskets or packing, and further argues that Canane should not be permitted to testify because he has not been designated as an expert witness in this matter (Reply S.M.F. ¶¶ 9, 11). The relevant testimony is as follows:

- Q Okay. What products do you believe that were in the mill that had asbestos in them, on them, that were any part of them?
- A Oh, a lot of the older valves, because they used it for the valve packing. They also used gaskets for all of them. Valves, pumps, whatever needed a gasket.
- Q Okay. And what valve and pump manufacturers do you recall?
- A Well, I did a lot of automatic valves from Fisher. And I’m not sure who builds the gate valves, but there’s hundreds of them there.
- Q What about pumps?
- A I believe it was Gould.
- Q And how would you know they were Goulds pumps?
- A Stamped on them.
- Q Any particular color or anything?
- A Blue.

(Pl.’s Exh. 5 23:5-22.) While the Court recognizes that the witness was asked for the products that he “believed” were in the mill, the Court is persuaded that Mr. Canane’s testimony is based

on his personal observation of the pumps. In particular, Mr. Canane's description of "Goulds" stamped in blue on the pumps suggests that he has personal knowledge of the presence of Goulds pumps in the mill.

To establish that the pumps arrived at the Woodland mill with asbestos, Plaintiff cites the testimony of Barry Bradshaw, a Goulds corporate representative.<sup>13</sup> Goulds shipped pumps with asbestos packing and gaskets until 1984. (A.S.M.F. ¶ 18; Reply S.M.F. ¶ 18.) Through the testimony of Canane and Bradshaw, Plaintiff has presented evidence from which a fact finder could reasonably conclude that Goulds pumps containing asbestos were present at the Woodland mill.

Given the record presented by Goulds, Plaintiff must next show that the Decedent was exposed to asbestos from the pumps in order to establish the necessary product nexus. The summary judgment record contains evidence that the Decedent: passed by the machine room where other workers tore apart pumps (A.S.M.F. ¶ 7; Reply S.M.F. ¶ 7); cleaned up debris in areas containing pumps and valves after other mill employees had completed their work on pumps and valves (A.S.M.F. ¶ 1; Reply S.M.F. ¶ 1); cleaned debris from other areas (Opp. S.M.F. ¶ 12); cleaned gaskets from an alleyway (A.S.M.F. ¶ 4; Reply S.M.F. ¶ 4); may have moved pumps and valves (A.S.M.F. ¶ 4); and shoveled asbestos debris piping material into a hopper in the bleach plant alleyway (Supp. S.M.F. ¶ 26; Opp. S.M.F. ¶ 26). The record also supports, through Canane's testimony, the Decedent cleaning up debris in areas where Goulds

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<sup>13</sup> According to Mr. Bradshaw's testimony:

- Goulds sold 19 pumps to Georgia Pacific between 1979 and 1984, including thirteen Model 3196 pumps and five Model 3175 pumps. (A.S.M.F. ¶¶ 13-15.)
- Pump Model 3196 contained four asbestos containing components: box packing, casing, gland packing, and jacket cover. (A.S.M.F. ¶¶ 19-20.)
- Pump Model 3175 contained six asbestos containing components: stuffing box packing, gland packing, suction casing gasket, sideplate casing gasket, stuffing box cover, and water jacket cover. (A.S.M.F. ¶ 21.)
- Gould shipped pumps with asbestos packing and gaskets until 1984. (A.S.M.F. ¶ 18; Reply S.M.F. ¶ 18.)


pumps had just been torn apart and rebuilt and that Goulds pumps contained asbestos. (See Pl.'s Exh. 5 23:5-22, 81:16-84:16.) Plaintiff thus has presented evidence from which a fact finder could conclude that the Decedent was exposed to asbestos from a Goulds product. Accordingly, the case involves a material issue of fact on the issue.

III. CONCLUSION

Based on the foregoing analysis, the Court denies Goulds Pumps, Inc.'s motion for summary judgment.

Pursuant to M.R. Civ. P. 79(a), the Clerk shall incorporate this Decision and Order into the docket by reference.

Date: 7/26/12

  
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John C. Nivison  
Justice, Maine Business & Consumer Court