

STATE OF MAINE
CUMBERLAND, ss.

BUSINESS & CONSUMER DOCKET
LOCATION: PORTLAND
DOCKET NO. BCD-CV-18-52

CORY GUIMOND, et. al,)
)
 Plaintiff,)
)
v.)
)
)
CITY OF EASTPORT, et. al.,)
)
 Defendants)

ORDER DENYING PLAINTIFF'S
REQUEST FOR RECONSIDERATION

By Order dated October 26, 2018, the Court (J. Stewart) denied Plaintiffs' Motion to Amend Complaint. On November 2, 2018, Plaintiffs filed a Motion for Reconsideration. The case was subsequently transferred to the Business and Consumer Docket ("BCD") before the Motion for Reconsideration was decided. The Motion is now pending before the BCD Court (J. Duddy).

Except in unusual circumstances, the original judge issuing an order is the judge that should handle a motion for reconsideration. In re Child of Tanya C., 2018 ME 153, ¶ 9, n.4. In this case, however, the usual procedure is impracticable because of the intervening transfer to the BCD Court. All parties have consented to having the BCD Court decide the Motion for Reconsideration, even though the BCD Court did not issue the original Order. Hence, this case presents the kind of unusual circumstance that allows a different judge to decide the Motion for Reconsideration.

The Court has carefully reviewed the pleadings in this matter, along with the relevant chronology of filings. The Court has also carefully reviewed the original Order, along with the Motion for Reconsideration and the Opposition. The original Court's Order appears to be well founded. Plaintiff was accorded adequate due process. The original Court did not commit prejudicial error nor impede substantial justice. Cates v. Farrington, 423 A.2d 539, 541 (Me. 1980). Accordingly, Plaintiff's Motion for Reconsideration is Denied.

Pursuant to M.R. Civ. P. 79(a), the Clerk is instructed to incorporate this Order by reference on the docket for this case.

So Ordered.

February 8, 2019.

_____/s_____
Michael A. Duddy
Judge, Business and Consumer Docket