MAINE SUPREME JUDICIAL COURT

Reporter of Decisions
Decision No. Mem 10-129
Docket No. Cum-09-486

STEPHEN R. McCUSKER

v.

MARJORIE GETZ

Submitted on Briefs October 21, 2010
Decided November 2, 2010

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, MEAD, GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Marjorie Getz appeals from a judgment of the District Court (Portland, *Moskowitz, J.*) granting a protection from harassment order to Stephen R. McCusker pursuant to 5 M.R.S. §§ 4651(2)(C), 4655 (2009). The expiration of the protection order has made this appeal moot, and, contrary to Getz's contentions, no exception to the mootness doctrine applies. *See Sordyl v. Sordyl*, 1997 ME 87, ¶¶ 5-7, 692 A.2d 1386, 1387-88; *Kane v. Comm'r of the Dep't of Health & Human Servs.*, 2008 ME 185, ¶ 23, 960 A.2d 1196, 1202; *Jefts v. Dennis*, 2007 ME 129, ¶¶ 5, 10, 931 A.2d 1055, 1056, 1057; *Wiley v. Wiley*, 2006 ME 45, ¶ 7, 896 A.2d 263, 264; *Connolly v. Connolly*, 2006 ME 17, ¶ 4, 892 A.2d 465, 466. Moreover, Getz does not appeal from a second protection from harassment order that was awarded to McCusker's wife; therefore, disposition of this appeal in Getz's favor would not afford her any "real or effective relief" because the same collateral consequences asserted by Getz would still flow from the second protection order. *See Sordyl*, 1997 ME 87, ¶ 5, 692 A.2d at 1387. Because we must dismiss this appeal as moot, we do not reach the merits of Getz's arguments.

The entry is:

Appeal dismissed.

Attorney for Marjorie Getz:

Peter J. Cyr, Esq.
Law Offices of Peter J. Cyr
85 Brackett Street
Portland, Maine 04102

Attorney for Stephen McCusker:

David L. Brandt, Esq.
PO Box 837
Windham, Maine 04062

Portland District Court docket number PA-2009-725
FOR CLERK REFERENCE ONLY