

MUIRFIELD VILLAGE CONDOMINIUM ASSOCIATION

v.

ROBERT O. NAULT et al.

Submitted on Briefs June 30, 2011

Decided July 7, 2011

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

MEMORANDUM OF DECISION

Robert O. Nault and Beverly J. Nault appeal from the Superior Court's (Cumberland County, *Cole, J.*) entry of summary judgment in favor of the Muirfield Village Condominium Association on the Association's complaint for injunctive relief and foreclosure. A letter filed by the Naults in opposition to the Association's motion for summary judgment was untimely, *see* M.R. Civ. P. 7(c), and did not comply with the requirements of M.R. Civ. P. 56(h)(2). Therefore, contrary to the Naults' contention, they did not adequately oppose summary judgment. *See JP Morgan Chase Bank v. Harp*, 2011 ME 5, ¶ 18, 10 A.3d 718, 721 (finding that the presentation of unsupported assertions in opposition to summary judgment does not render the grant of summary judgment improper); *Platz Assocs. v. Finley*, 2009 ME 55, ¶ 21, 973 A.2d 743, 749 (affirming grant of summary judgment when opposing party did not properly controvert the moving party's statement of material facts). The fact that the Naults appeared pro se did not relieve them of the obligation to comply with procedural rules and deadlines. *See Clearwater Artesian Well Co. v. LaGrandeur*, 2007 ME 11, ¶ 8, 912 A.2d 1252, 1255 (noting that "self-represented litigants are afforded no special consideration in procedural matters"). Further, even if we were to expand the record to consider the untimely opposition and any new arguments on appeal, the

Naults have not presented any substantiated issues to this Court that establish that summary judgment was improper. Although the Naults did not fully comply with the filing requirements of the Maine Rules of Appellate Procedure and their brief merely reiterates arguments made to the Superior Court, we cannot conclude upon this record that a violation of M.R. App. P. 13(f) has occurred, and we thus decline to impose sanctions as requested by the Association.

The entry is:

Judgment affirmed.

Robert O. and Beverly J. Nault, pro se:

Robert O. Nault
Beverly J. Nault
2693 Clubhouse Drive
Lake Wales, Florida 33898

Attorney for Muirfield Village Condominium Association:

Michael G. Friedman, Esq.
132 Main Street
PO Box 10
Bridgton, Maine 04009