

HELEN MUTHER et al.

v.

BROAD COVE SHORE ASSOCIATION et al.

Submitted on Briefs January 27, 2011

Decided March 22, 2011

Panel: ALEXANDER, LEVY, SILVER, MEAD, GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Helen Muther and Paul Woods appeal from a judgment of the Superior Court (Cumberland County, *Crowley, J.*) dismissing as moot their motion for contempt, which asserted that the Broad Cove Shore Association and its officials had failed to comply with certain provisions of the parties' 2006 settlement agreement. An issue that has "lost its controversial vitality" by virtue of the passage of time or intervening events is moot. *Gauthier v. Gauthier*, 2007 ME 136, ¶ 7, 931 A.2d 1087, 1090 (quotation marks omitted). Although the litigation between Muther and Woods and other interested property owners has been ongoing, *see Flaherty v. Muther (Flaherty I)*, 2011 ME 32, --- A.3d ---; *Muther v. Broad Cove Shore Ass'n (Muther II)*, 2011 ME 33, --- A.3d ---; *Flaherty v. Muther (Flaherty II)*, 2011 ME 34, --- A.3d ---, neither the passage of time nor intervening events has mooted Muther and Woods's motion for contempt. Accordingly, we vacate the judgment of the Superior Court and remand for contempt proceedings in accordance with M.R. Civ. P. 66(d).

The entry is:

Judgment vacated. Remanded for further proceedings in accordance with M.R. Civ. P. 66(d).

Attorneys for Helen Muther and Paul Woods:

James A. Billings, Esq.
Walter F. McKee, Esq.
Lipman, Katz & McKee, PA
227 Water Street
PO Box 1051
Augusta, Maine 04332-1051

**Attorneys for Broad Cove Shore Association
and Leslie Connolly:**

Alexander W. Saksen, Esq.
Andrew W. Sparks, Esq.
Drummond & Drummond, LLP
One Monument Way
Portland, Maine 04101

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