

EDWARD H. KING

v.

JON A. HADDOW

Argued December 13, 2012
Decided December 28, 2012

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

MEMORANDUM OF DECISION

Edward H. King appeals from the judgment of the Superior Court (Penobscot County, *A. Murray, J.*) granting John A. Haddow's motion for summary judgment on King's negligent misrepresentation claims, and from the court's orders (1) denying King's motion to amend his complaint; (2) denying King's motion to strike a supplemental affidavit that Haddow submitted in his reply to King's motion in opposition to Haddow's motion for summary judgment; and (3) denying King's motion for reconsideration of the court's orders and its summary judgment in favor of Haddow.

Contrary to King's contentions, he has not met the elements of negligent misrepresentation articulated in the Restatement (Second) of Torts § 552(a)(1) (1977):

One who, in the course of his business, profession or employment, or in any other transaction in which he has a pecuniary interest, supplies false information for the guidance of others in their business transactions, is subject to liability for pecuniary loss caused to them by their justifiable reliance upon the information, if he fails to exercise

reasonable care or competence in obtaining or communicating the information.

Rand v. Bath Iron Works Corp., 2003 ME 122, ¶ 13, 832 A.2d 771. Specifically, King has failed to present evidence on summary judgment that he justifiably relied to his detriment upon statements allegedly made to his daughter and son-in-law by their attorney.

Additionally, the denials of his motion to amend and motion to strike affidavits were well within the discretion of the court. Accordingly, his final argument that the court should have granted his motion for reconsideration has no merit.

The entry is:

Judgment affirmed.

On the briefs:

Jed Davis, Esq., Jim Mitchell and Jed Davis, P.A., Augusta, for appellant Edward H. King

James M. Bowie, Esq., and Hillary J. Bouchard, Esq., Thompson & Bowie, LLP, Portland, for appellee Jon A. Haddow

At oral argument:

Jed Davis, Esq., for appellant Edward H. King

James M. Bowie, Esq., for appellee Jon A. Haddow