

JUSTIN LIMEBURNER et al.

v.

ERIC S. MURPHY SR. et al.

Submitted on Briefs April 26, 2012

Decided May 3, 2012

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

#### MEMORANDUM OF DECISION

Justin and Tina Limeburner appeal from a summary judgment entered against them by the Superior Court (Hancock County, *Cuddy, J.*) on their complaint alleging that Eric S. Murphy Sr. and his trust are liable to them for damages they suffered as a result of a loan they obtained from Murphy Home Loans, a business operated by Eric S. Murphy Jr. The Limeburners allege that Murphy Sr. and Murphy Jr. were engaged in a joint enterprise or joint venture concerning the operation of Murphy Home Loans.

Contrary to the Limeburners' contention, the court did not abuse its discretion in declining to accept their late submission of a deposition transcript. *See Camden Nat'l Bank v. Peterson*, 2008 ME 85, ¶¶ 16, 18, 948 A.2d 1251. Furthermore, the court did not err in finding, based on the uncontroverted portions of the summary judgment record, that no genuine issue remained as to any material fact, and that Murphy Sr. was entitled to judgment as a matter of law. M.R. Civ. P. 56(c); *see Flaherty v. Muther*, 2011 ME 32, ¶ 38, 17 A.3d 640.

The entry is:

Judgment affirmed.

**On the briefs:**

David J. Van Dyke, Esq., Hornblower Lynch Rabasco & Van Dyke, P.A.,  
Lewiston, for appellants Justin and Tina Limeburner

Alexander W. Saksen, Esq., Bendett & McHugh, P.C., Portland, for  
appellees Eric S. Murphy Sr. and the Eric S. Murphy Sr. Trust

Hancock County Superior Court docket number CV-2009-26  
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