

JERRAD WILSON

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

Jerrad Wilson appeals from a summary judgment entered against him by the Superior Court (Hancock County, *Cuddy, J.*) on his complaint alleging, as against Eric S. Murphy Sr., unjust enrichment stemming from a promissory note signed by Eric S. Murphy Jr. and Murphy Jr.'s ex-wife. Wilson alleged that Murphy Sr. and Murphy Jr. were engaged in a joint enterprise or joint venture concerning the proceeds of the loan memorialized by the note.

Contrary to Wilson's contention, the court did not abuse its discretion in declining to accept his 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 appellant Jerrad Wilson

Alexander W. Saksen, Esq., Bendett & McHugh, P.C., Portland, for appellee
Eric S. Murphy Sr.

Hancock County Superior Court docket number CV-2009-42
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