

PEPPER DINING, INC.

v.

NEW GEN HOSPITALITY, LLC, et al.

Submitted on Briefs May 24, 2012

Decided May 29, 2012

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

#### MEMORANDUM OF DECISION

New Gen Hospitality, LLC, appeals from a judgment entered in the Superior Court (Cumberland County, *Warren, J.*) imposing a permanent injunction to resolve a dispute about the terms of a parking easement that benefits property leased to Pepper Dining, Inc., by Stultz Electric Works. Contrary to New Gen's contentions, (1) the court did not err in interpreting the easement to require that identified surplus parking be proximate to Pepper Dining's restaurant, *see Stanton v. Strong*, 2012 ME 48, ¶ 10, 40 A.3d 1013; *Laux v. Harrington*, 2012 ME 18, ¶¶ 11-12, 38 A.3d 318; *Silsby v. Belch*, 2008 ME 104, ¶ 7, 952 A.2d 218; *Mill Pond Condo. Ass'n v. Manalio*, 2006 ME 135, ¶ 6, 910 A.2d 392; *Ware v. Pub. Serv. Co. of N.H.*, 412 A.2d 84, 86 (Me. 1980); and (2) the court did not abuse its discretion by entering an injunction that was overbroad or that would be inflexible if New Gen's legitimate parking needs were to change, *see Stanton*, 2012 ME 48, ¶ 8, 11, 40 A.3d 1013; *Spickler v. Key Bank of S. Me.*, 618 A.2d 204, 207 (Me. 1992), *cert. denied*, 510 U.S. 815 (1993); *Sebago Lake Camps, Inc. v. Simpson*, 434 A.2d 519, 523 (Me. 1981).

The entry is:

Judgment affirmed.

**On the briefs:**

Kurt E. Olafsen, Esq., Olafsen & Butterfield LLC, Portland, for appellant  
New Gen Hospitality, LLC

David S. Sherman, Jr., Esq., Drummond Woodsum & MacMahon, Portland,  
for appellee Pepper Dining, Inc.

Steven W. Rand, Esq., Desmond & Rand, P.A., Westbrook, for appellee  
Stultz Electric Works