

KEITH ROBBINS et al.

v.

ROMAD COMPANY, LP

Argued June 14, 2012

Decided June 28, 2012

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

#### MEMORANDUM OF DECISION

Keith Robbins and Josephine Robbins, individually and as parents of their minor son, appeal from an entry of summary judgment by the Superior Court (Kennebec County, *Murphy, J.*) in favor of Romad Company, LP, on the Robbinses' premises liability claim. The Robbinses contend that the court erred in concluding that they failed to generate genuine issues of material fact as to whether Romad breached a duty of care, and whether that breach was the proximate cause of their minor son's injuries sustained when he fell or jumped from a slide in the interior play area at the Bangor Street McDonald's restaurant in Augusta.

Viewing the evidence in the light most favorable to the Robbinses as the nonmoving party, the court did not err in concluding that they failed to establish a prima facie case of premises liability. *See Durham v. HTH Corp.*, 2005 ME 53, ¶ 8, 870 A.2d 577 (stating that the party opposing the summary judgment has the "burden to establish a prima facie case for each element of [their] cause of action for premises liability"); *Inkel v. Livingston*, 2005 ME 42, ¶ 4, 869 A.2d 745. The record does not contain sufficient prima facie evidence to generate a genuine issue of material fact as to what caused the minor son to fall or jump from the slide. *See Durham*, 2005 ME 53, ¶ 9 n.2, 870 A.2d 577; *Houde v. Millett*, 2001 ME 183,

¶¶ 10-11, 787 A.2d 757 (providing that the plaintiff must show “some reasonable connection between the act or omission of the defendant and the damage which the plaintiff has suffered”).

The entry is:

Judgment affirmed.

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**On the briefs:**

David J. Van Dyke, Esq., Hornblower Lynch Rabasco & Van Dyke P.A.,  
Lewiston, for appellants Keith Robbins and Josephine Robbins

Mark V. Franco, Esq., and Thomas P. Marczak, Esq., Thompson & Bowie,  
Portland, for appellee Romad Company, LP

**At oral argument**

David J. Van Dyke, Esq., for appellants Keith Robbins and Josephine  
Robbins

Thomas Marczak, Esq., for appellee Romad Company, LP