

RICHARD ANNUNZIATO et al.

v.

T-M CORPORATION

Argued January 15, 2013
Decided January 29, 2013

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

MEMORANDUM OF DECISION

T-M Corporation appeals from a judgment entered in the Superior Court (Piscataquis County, *Anderson, J.*) in favor of Richard and Kathleen Annunziato on T-M's counterclaim against them for foreclosure of a lien. On the record presented on appeal, we are not persuaded of any ground for vacating the judgment entered on T-M's counterclaim. *See* 14 M.R.S. § 6321 (2012); M.R. Civ. P. 61; *Greaton v. Greaton*, 2012 ME 17, ¶¶ 2-3, 36 A.3d 913. We also discern no error or abuse of discretion in the court's denial of the Annunziatos' motion to dismiss the counterclaim for failure to prosecute. *See* M.R. Civ. P. 41(b)(1); *Kingsbury v. Forbes*, 1998 ME 168, ¶ 4, 714 A.2d 149.

The entry is:

Judgment affirmed.

On the briefs:

Charles E. Gilbert, III, Esq., and Julie D. Farr, Esq., Gilbert & Greif, P.A.,
Bangor, for appellant T-M Corporation

Jonathan B. Huntington, Esq., and Ryan P. Dumais, Esq., Eaton Peabody,
Brunswick, for cross-appellants Richard and Kathleen Annunziato

At oral argument:

Charles E. Gilbert, III, Esq., for appellant T-M Corporation

Ryan P. Dumais, Esq., for cross-appellants Richard and Kathleen
Annunziato