

JOEL HAMEL

v.

THE BERLIN MILLS, LLC

Argued December 17, 2013

Decided February 13, 2014

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

#### MEMORANDUM OF DECISION

Joel Hamel appeals from a judgment entered in the Superior Court (Cumberland County, *Warren, J.*) on his complaint against The Berlin Mills, LLC. We examine the summary judgment record, including the parties' statements of material facts and the portions of the record referred to in those statements in the light most favorable to Hamel, and conclude that there exists no genuine issue of material fact regarding Gowen, Inc.'s exclusive possession and control of the premises it leased from Berlin Mills, where Hamel was injured. *See Chiu v. City of Portland*, 2002 ME 8, ¶¶ 9, 11-12, 788 A.2d 183. Contrary to Hamel's contentions, neither the terms of the lease between Berlin Mills and Gowen, the fact that both corporate entities share the same owner, nor any alleged deficiency in Berlin Mills's statement of material facts create a genuine issue of material fact regarding Gowen's exclusive possession and control of the leased premises. Accordingly, summary judgment was properly granted. *See Stewart v. Aldrich*, 2002 ME 16, ¶¶ 10-17, 788 A.2d 603

The entry is:

Judgment affirmed.

**On the briefs:**

James J. MacAdam, Esq., MacAdam Jury, P.A., Portland, for appellant  
Joel Hamel

John S. Whitman, Esq., Barri L. Bloom, Esq., and Heidi J. Hart, Esq.,  
Richardson, Whitman, Large & Badger, Portland, for appellee Berlin Mills,  
LLC

**At oral argument:**

David E. Hirtle, Esq., MacAdam Jury, P.A., Portland, for appellant Joel  
Hamel

Heidi Hart, Esq., for appellee Berlin Mills, LLC