

FRED J. RIBECK et al.

v.

ROWLAND S. WHITTET, TRUSTEE OF THE MARJORIE R. WHITTET
TRUST

Submitted on Briefs February 27, 2014

Decided March 11, 2014

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

MEMORANDUM OF DECISION

Rowland S. Whittet, trustee of The Marjorie R. Whittet Trust, appeals from a judgment of the Superior Court (Knox County, *Hjelm, J.*) dismissing all of the claims against the Trust filed by Fred J. Ribeck and Gail W. Ribeck in connection with a boundary dispute in Rockport. Whittet primarily contends that the court erred in striking all of his pleadings in which he, as a non-lawyer, purported to represent the Trust, and in sanctioning him in the amount of \$43,371.60 for violating M.R. Civ. P. 11(a).

We need not reach these issues, however, because we dismiss the appeal on the ground that the appendix Whittet submitted for our review does not even marginally comply with the requirements of M.R. App. P. 8, and particularly with the mandates of Rule 8(c), (g). *See* M.R. App. P. 8(f); *Town of Porter v. Blevens*, 2009 ME 48, ¶¶ 3-4, 970 A.2d 286 (imposing sanctions for filing an appendix that did not include the required documents); *Lowd v. Dimoulas*, 2007 ME 61, ¶ 1, 924 A.2d 306 (dismissing the appeal for “fail[ing] to submit an appendix that permits appellate review”); *State v. Heikkinen*, 477 A.2d 749, 750 (Me. 1984) (“Only by summarily dismissing this appeal can we communicate . . . that compliance with our rules is important to the proper functioning of this Court.”);

Your Home, Inc. v. City of Portland, 432 A.2d 1250, 1256 (Me. 1981) (“[This appendix] cannot be considered a properly completed appendix for this Court's use. No court should be expected to spend its time . . . performing tasks which are properly the responsibility of [the appellant].”).

Because we are already dismissing the appeal pursuant to Rule 8(f),¹ and given the substantial award of sanctions imposed on Whittet by the Superior Court, we decline to order the additional sanctions requested by the Ribecks pursuant to M.R. App. P. 13(f).

The entry is:

Appeal dismissed.

On the briefs:

Rowland S. Whittet, pro se appellant

Dana F. Strout, Esq., and Kimberly J. Ervin Tucker, Esq., Dana F. Strout, P.A., Rockport, for appellees Fred J. Ribeck and Gail W. Ribeck

Knox Superior Court docket number RE-2009-25
FOR CLERK REFERENCE ONLY

¹ Were we to consider the appeal on the merits, we would affirm the court’s judgment in any event.