

CHARLENE MARTIN et al.

v.

VENTURA VENTURES APARTMENTS, LLC

Submitted on Briefs September 29, 2016
Decided October 11, 2016

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

MEMORANDUM OF DECISION

Charlene Martin and Tracey Schaeffer¹ appeal from a judgment of the Superior Court (York County, *O'Neil, J.*) granting summary judgment in favor of Ventura Ventures Apartments, LLC, on Martin and Schaeffer's complaint for breach of the warranty of habitability pursuant to 14 M.R.S. §§ 6021, 6021-A (2015). In responding to Ventura Ventures's motion for summary judgment, Martin and Schaeffer filed an opposition, but did not file a responding statement of material facts to dispute Ventura Ventures's asserted compliance with section 6021-A. *See FIA Card Services, N.A. v. Saintonge*, 2013 ME 65, ¶ 3 & n.2, 70 A.3d 1224; *Chase Home Finance LLC v. Higgins*, 2009 ME 136, ¶¶ 8, 12, 985 A.2d 508 (facts argued through means other than record references in a statement of material facts can be disregarded).

¹ The claims of two additional plaintiffs, Christina Bailey and Paul Vignault, were dismissed with prejudice on their own motion on the same day the court granted Ventura Ventures's motion for summary judgment.

Contrary to Martin and Schaeffer's arguments, the court did not err in concluding that they failed to generate a dispute of material fact as to whether the landlord complied with the requirements of 14 M.R.S. § 6021-A. *See* M.R. Civ. P. 56. Because we affirm the trial court's grant of summary judgment, we do not reach Martin and Schaeffer's arguments regarding damages.

The entry is:

Judgment affirmed.

On the briefs:

Eric Cote, Esq., Saco, for appellants Charlene Martin and Tracey Schaeffer

Stephen A. Bell, Esq., Mundhenk & Bell, L.L.C., Portland, for appellees Ventura Ventures Apartments, LLC