

JOHN R. MANCUSO

v.

DEBORAH A. MANCUSO

Argued November 16, 2017
Decided November 28, 2017

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

MEMORANDUM OF DECISION

John R. Mancuso appeals from a summary judgment entered by the Superior Court (York County, *O'Neil, J.*) in favor of his sister, Deborah A. Mancuso, on John's complaint for tortious interference with an expectancy of an inheritance concerning their late father's will. Contrary to John's contention, when the summary judgment record is reviewed in the light most favorable to him as the nonprevailing party, *see Cote v. Cote*, 2016 ME 94, ¶ 11, 143 A.3d 117, the court did not err in finding that John failed to make out a prima facie case that Deborah's actions were the "but for" cause of the extent of his inheritance. *See id.* ¶ 12; *Estate of Smith v. Cumberland Cty.*, 2013 ME 13, ¶ 19, 60 A.3d 759 ("In order to survive summary judgment . . . the evidence must be sufficient to allow a fact-finder to make a factual determination without speculating."); *Dyer v. Dep't of Transp.*, 2008 ME 106, ¶ 14, 951 A.2d 821 ("Summary judgment is appropriate . . . if the non-moving party rests merely upon conclusory allegations, improbable inferences, and unsupported speculation.").

The entry is:

Judgment affirmed.

Roy T. Pierce, Esq. (orally), Jensen Baird Gardner & Henry, Portland, for
appellant John R. Mancuso

William J. Gallitto, III, Esq. (orally), Bergen & Parkinson, LLC, Saco, for appellee
Deborah A. Mancuso

York County Superior Court docket number CV-2015-266
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