

EARL GAMMON et al.

v.

ROBIN E. BOGGS et al.

Submitted on Briefs February 26, 2018  
Decided March 6, 2018

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

## MEMORANDUM OF DECISION

A review of the record in this appeal indicates that after the notice of appeal was filed, responding to a post-judgment motion, the trial court (Knox County, *Stokes, J.*) issued an order that, if implemented, could fundamentally change the nature of the issues presented on appeal.<sup>1</sup>

Because the trial court's post-judgment order leaves some claims and issues in this action unresolved, the judgment subject to appeal is not a final judgment. *See Bank of New York v. Richardson*, 2011 ME 38, ¶¶ 7-8, 15 A.3d 756 (providing that a judgment is final only if it resolves all pending claims, leaving no further questions for future consideration); *cf. Bryant v. Town of Camden*, 2016 ME 27, ¶¶ 9-20, 132 A.3d 1183 (same).

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<sup>1</sup> Pursuant to the restyled Maine Rules of Appellate Procedure, which took effect after the notice of appeal in this case was filed, the trial court would have retained the record in this case for twenty-eight days following the filing of the notice of appeal, *see* M.R. App. P. 6(a)(1), and for such further time as would have been required for disposition of the post-judgment motion, *see* M.R. App. P. 6(a)(2), before the trial court would have been divested of its authority to act by the filing of the record with this Court. *See* M.R. App. P. 3(b) and 3(c)(2).

There is no final judgment in this action.

The entry is:

Appeal dismissed, remanded to the Superior Court.

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Patrick J. Mellor, Esq., Strout & Payson, P.A., Rockland, for appellees Earl Gammon and Mary Gammon

Knox County Superior Court docket number RE-2015-05  
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