

MICHAEL C. DUBE

v.

THOMAS N. DUBE

Submitted on Briefs November 4, 2020  
Decided November 24, 2020

Panel: MEAD, JABAR, HUMPHREY, HORTON, and CONNORS, JJ.

#### MEMORANDUM OF DECISION

Michael C. Dube appeals from a judgment entered in the Superior Court (Piscataquis County, *Anderson, J.*) denying his request for an injunction seeking to restrain Thomas N. Dube from preventing Michael's use of Doughty Hill Road. Contrary to Michael's contentions, the court did not err or abuse its discretion by denying injunctive relief based on its determination that Michael had neither an express easement, *see Jordan v. Shea*, 2002 ME 36, ¶ 14, 791 A.2d 116, nor an implied easement, *see Northland Realty, LLC v. Crawford*, 2008 ME 92, ¶¶ 12-13, 953 A.2d 359; *LeMay v. Anderson*, 397 A.2d 984, 987-89 (Me. 1979), to use Doughty Hill Road. *See Fitzpatrick v. Town of Falmouth*, 2005 ME 97, ¶¶ 17-19, 879 A.2d 21; *Bangor Historic Track, Inc. v. Dep't of Agric.*, 2003 ME 140, ¶¶ 9-12, 837 A.2d 129. The court's finding is based, in part, on competent evidence in the record showing that Thomas's parcel—from which Michael's parcel was conveyed—did not have an easement to Doughty Hill Road, and, therefore, Thomas could not convey any easement interest to Michael. Furthermore, because Michael failed to prove that certain offending boulders were located on his property, the trial court did not err or abuse its discretion by implicitly rejecting Michael's claim that injunctive relief could be

granted because Thomas had trespassed on his property. *See Bangor Historic Track, Inc.*, 2003 ME 140, ¶¶9-12, 837 A.2d 129.

The entry is:

Judgment affirmed.

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Paul R. Dionne, Esq., Dionne & Couturier, Lewiston, for appellant Michael C. Dube

Christopher C. Dinan, Esq., Monaghan Leahy, LLP, Portland, for appellee Thomas N. Dube

Piscataquis County Superior Court docket number RE-2017-09  
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