

PETER S. REDMAN

v.

BENJAMIN MARCUS et al.

Submitted on Briefs April 23, 2025
Decided May 6, 2025

Panel: STANFILL, C.J., and MEAD, CONNORS, and DOUGLAS, JJ.

MEMORANDUM OF DECISION

Peter S. Redman appeals from a Superior Court (Kennebec County, *Lipez, J.*) order denying his motion to amend his complaint and granting defendants' motion for summary judgment on statute of limitations grounds. Redman contends that the court erred in finding no genuine issue of material fact as to whether he was "mentally ill" during the relevant period under the tolling statute, 14 M.R.S. § 853 (2025).

"We review the grant of a motion for summary judgment de novo, and consider both the evidence and any reasonable inferences that the evidence produces in the light most favorable to the party against whom the summary judgment has been granted in order to determine if there is a genuine issue of material fact." *Grant v. Foster Wheeler, LLC*, 2016 ME 85, ¶ 12, 140 A.3d 1242 (quotation marks omitted).

We conclude that the court did not err in determining that "the record fail[ed] to generate a triable issue as to whether Redman's mental disability tolled the statute of limitations." *See McAfee v. Cole*, 637 A.2d 463, 466 (Me. 1994) ("Mental illness under the tolling statute refers to an *overall*

inability to function in society that prevents plaintiffs from protecting their legal rights.”); *Douglas v. York Cnty.*, 433 F.3d 143, 153-54 (1st Cir. 2005) (stating that no reasonable fact finder could conclude that the plaintiff was mentally ill under section 853 during the relevant periods because the record showed that the plaintiff had exhibited an “overall ability to function in society”).

The entry is:

Judgment affirmed.

Jed Davis, Esq., Jim Mitchell and Jed Davis, P.A., Augusta, for appellant Peter S. Redman

Melissa A. Hewey, Esq., and Oliver Mac Walton, Esq., Drummond Woodsum, Portland, for appellees Benjamin Marcus and Drummond Woodsum