MAINE SUPREME JUDICIAL COURT

Reporter of Decisions
Decision No. Mem 25-62
Docket No. Yor-24-373

PETER COLLINS

v.

TOWN OF PARSONSFIELD et al.

Submitted on Briefs May 21, 2025
Decided June 5, 2025

Panel: MEAD, HORTON, CONNORS, DOUGLAS, and LIPEZ, JJ.

MEMORANDUM OF DECISION

Peter Collins appeals from an order by the Superior Court (York County, *Mulhern, J.*) granting the defendant's motion for partial summary judgment and declaring Collins's rights under an easement contained in the deed to the Stanley Building property ("Stanley Building") null and void.[1] Collins contends that the court "erred in issuing Summary Judgment Orders, rather than allowing a jury to make the decisions, given [his] demand for a jury trial." On multiple grounds, we disagree.[2]

[1] Although the docket record lists The Stanley Building, LLC, as a plaintiff, the appellant's complaint was never amended to add this entity as a party.

[2] Collins failed to comply with the procedural rules on appeal in several ways. *See In re Est. of MacComb*, 2015 ME 126, ¶ 10, 124 A.3d 1119 ("A failure to comply with the Maine Rules of Appellate Procedure . . . compromises both the appellee's ability to defend against the appeal and our ability to decide it."). Collins's brief was missing a statement of issues, *see* M.R. App. P. 7A(a)(1)(E), as well as a statement of the applicable standard of appellate review, *see* M.R. App. P. 7A(a)(1)(G). In addition, aside from some tiny copy edits, the body of his brief was identical to the body of an earlier brief submitted to and rejected by this Court, and the brief includes (incorrect) citations to a previous version of the appendix also rejected by this Court.

First, Collins lacks standing because he never personally owned the Stanley Building. Collins purchased the property in 2004 through a limited liability corporation, The Stanley Building, LLC, of which he was the sole member.[3] *See* 31 M.R.S. § 1604 (2025). *See Franklin Prop. Tr. v. Foresite, Inc.*, 438 A.2d 218, 220 (Me. 1981) (stating that to establish standing, "[a] party must assert a personal stake in the outcome of the litigation and present a real and substantial controversy touching on the legal relations of parties with adverse legal interests"); *cf. Chase v. Eastman*, 563 A.2d 1099, 1103 n.6 (Me. 1989) (concluding that the defendants had standing to raise issues relating to the plaintiffs' claim that they possessed an easement entitling them to use the defendants' property for recreational activities because, "[a]s the owners of the property over which the plaintiffs claim[ed] an easement, the [defendants] ha[d] a personal stake in the outcome of any litigation addressing the scope of the easement"). Because Collins has no personal stake in this litigation, he lacks standing to pursue this action.

Second, even if Collins had standing, his appeal would be moot because neither The Stanley Building, LLC, nor Collins currently owns the property that

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In addition to these issues with the appellant's brief, its minimal case citations were improperly formatted, missing pincites, or generally incorrect and unhelpful. For example, the short citations to case law include nonsensical page numbers rather than paragraph numbers or accurate page numbers, and the quotations are misquoted and erroneously cited. *See In re Est. of MacComb*, 2015 ME 126, ¶ 10, 124 A.3d 1119 ("Nor can there be any question that counsel must be aware that proper citations to . . . precedent are critical to the presentation of an appeal.").

Furthermore, Collins's brief gestures at several issues without developing them. For instance, he quotes article I, section 21 of the Maine Constitution without explaining why he does so. He also insists that he was "discriminated against by the [defendant] and the Court," and though he cites and quotes both the Maine Constitution and the United States Constitution, he never explains or defends this claim. We have discouraged this kind of "buckshot approach" in the past, and we do so again here. *See Millay v. McKay*, 2017 ME 39, ¶¶ 11, 13, 157 A.3d 218 ("This buckshot and substantially unsupported strategy for advancing issues on appeal is not an effective approach to appellate advocacy.")

[3] While not in the summary judgment record, other evidence shows that The Stanley Building, LLC, was administratively dissolved in 2007, and the record does not show that it was lawfully revived. Collins appears to have formed two other limited liability companies under the same name, once around 2015 and again around 2020. *See* 31 M.R.S. § 1604 (2025).

the claimed easement would benefit.[4] *See Cote v. Zoning Bd. of Appeals for City of Bangor*, 398 A.2d 419, 420 (Me. 1979) (dismissing an appeal as moot where the Superior Court had ordered a local zoning board to issue the plaintiff a permit for the construction of a nursing home; the zoning board appealed; and during the pendency of the appeal, the plaintiff conveyed title to a third party, explaining that "[t]he conveyance of title to the property ended the controversy between the parties"); *Lamson v. Cote*, 2001 ME 109, ¶ 20, 775 A.2d 1134 (stating that the defendants' claim that they had acquired a prescriptive easement to use a disputed way was moot because the Court had determined that the plaintiffs lacked an interest in the disputed way, explaining that the defendants' prescriptive easement claim "is not ripe for adjudication until an owner of the land in dispute is declared"). Because neither Collins nor The Stanley Building, LLC, owns the Stanley Building, an adjudication of Collins's claim regarding his rights under the now extinguished easement would not provide him "any real or effective relief"; thus, his claim is moot.[5] *In re Steven L.*, 2017 ME 5, ¶ 8, 153 A.3d 764 ("Generally, we decline to hear an appeal when the issues are moot, that is, when they have lost their controversial vitality, and our decision would not provide an appellant any real or effective relief.")

On both standing and mootness grounds, we dismiss Collins's appeal.[6] *See Lucarelli v. City of S. Portland*, 1998 ME 239, ¶ 1, 719 A.2d 534 ("We dismiss the appeal and affirm the trial court's decision because [the appellant] lacks standing."); *In re Steven L.*, 2017 ME 5, ¶ 8, 153 A.3d 764.

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[4] In March 2023, Collins executed and delivered a deed in lieu of foreclosure transferring the Stanley Building to the mortgage holder, who then conveyed the property to a third party.

[5] In his complaint seeking injunctive relief against the Town of Parsonsfield, Collins brought two counts, one for breach of contract and another for trespass. The Superior Court (York County, *Mulhern, J.*) appropriately denied that complaint on the ground that Collins lacked standing to bring his claim because he "[wa]s not the entity to which the alleged easement was granted." After the court issued its judgment declaring the rights granted under the easement null and void, Collins filed a motion to amend his complaint, to add parties, and to assert a claim for damages, which the court denied. Thus, only Collins's request for injunctive relief survived.

[6] We additionally note that we find Collins's substantive argument about his right to a jury trial unpersuasive, and we do not address it. *See Harmon v. Harmon*, 2009 ME 2, ¶ 1 n.1, 962 A.2d 959 ("These arguments are without merit and will not be addressed."); *Michaud v. Blue Hill Mem'l Hosp.*, 2008 ME 29, ¶ 7, 942 A.2d 686 ("The right to have a civil case heard by a jury is only implicated when factual questions exist.")

The entry is:

Appeal dismissed.

Sheilah R. McLaughlin, Esq., Cape Elizabeth, for appellant Peter Collins

David A. Lourie, Esq., Cape Elizabeth, for appellee Town of Parsonsfield

Leslie E. Lowry III, Esq., Portland, for appellee Equity North Realty Trust

Agnieszka A. Dixon, Esq., and Benjamin J. Plante, Esq., Drummond Woodsum, Portland, for appellee Kezar Falls Millworx, LLC

York County Superior Court docket number RE-2021-21
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