

USF RED STAR, INC.

v.

LEG UP ENTERPRISES, INC.

Submitted on Briefs June 26, 2003

Decided August 1, 2003

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER,  
CALKINS, and LEVY, JJ.

#### MEMORANDUM OF DECISION

USF Red Star, Inc., appeals from the summary judgment entered by the District Court (Portland, *Eggert, J.*) in favor of defendant Leg Up Enterprises, Inc. Contrary to the appellant's assertions, the record reflects that there is no dispute of material fact that the defendant corporation did not exist at the time the debt was incurred, eliminating the basis for liability against the company, *see Greenvall v. Maine Mut. Fire Ins. Co.*, 1998 ME 204, ¶ 5, 715 A.2d 949, 951, and the appellant has failed to establish a prima facie case for each element of claims based on successor liability or piercing the corporate veil, *see Champagne v. Mid-Maine*

*Med. Ctr.*, 1998 ME 87, ¶ 9, 711 A.2d 842, 845; *Director of Bureau of Labor Standards v. Diamond Brands, Inc.*, 588 A.2d 734, 736 n.5 (Me. 1991); *Johnson v. Exclusive Props. Unlimited*, 1998 ME 244, ¶ 6, 720 A.2d 568, 571.

The entry is:

Judgment affirmed.

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