

MAINE SUPREME JUDICIAL COURT

Reporter of Decisions
Decision No. Mem 03-70
Docket No. Aro-02-697

DAVID CAMPBELL et al.

v.

TOWN OF ASHLAND

Submitted on Briefs April 9, 2003
Decided May 1, 2003

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

MEMORANDUM OF DECISION

David Campbell and Douglas Carson appeal from a summary judgment entered in the Superior Court (Aroostook County, *Hunter, J.*) in favor of the Town of Ashland on Campbell and Carson's complaint against the Town for its alleged improper installation, maintenance, and removal of culverts and drainage ditches. Contrary to Campbell and Carson's contentions, the Superior Court did not err in granting a summary judgment to the Town because Campbell and Carson's opposing statement of material facts neither corresponded with the Town's fact statement nor included specific record references. M.R. Civ. P. 56(h); *see, e.g.,*

Levine v. R.B.K. Caly Corp., 2001 ME 77, ¶ 9, 770 A.2d 653, 656. Further, the Superior Court did not abuse its discretion by entering a summary judgment in favor of the Town despite the Town's failure to include in its summary judgment motion a notice, required by M.R. Civ. P. 7(b)(1)(B), that opposition to its motion needed to comply with M.R. Civ. P. 56(h). Campbell and Carson's opposing motion and other filings show that they were aware of the requirements of M.R. Civ. P. 56(h); therefore, they could not have been prejudiced by any deficiencies in the notice. *See* M.R. Civ. P. 61; *In re Joshua B.*, 2001 ME 115, ¶ 10, 776 A.2d 1240, 1243.

The entry is:

Judgment affirmed.

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