

MICHAEL LIBERTY et al.

v.

DARLENE COPP

Submitted on Briefs May 29, 2003
Decided June 18, 2003

Panel: RUDMAN, DANA, ALEXANDER, CALKINS, and LEVY, JJ.

MEMORANDUM OF DECISION

Michael Liberty appeals from an order by the Superior Court (Cumberland County, *Cole, J.*) denying his motion for attachment and trustee process. Liberty claims that the Superior Court abused its discretion or committed clear error by finding that: (1) Liberty had not demonstrated that he would more likely than not succeed in his action for loan repayment, and (2) a possible claim existed for a set-off from the amount sought in the motion for attachment.

An order denying a motion for attachment and trustee process is immediately appealable under the collateral order exception to the final judgment rule. *Porrazzo v. Karofsky*, 1998 ME 182, ¶ 5, 714 A.2d 826, 827; *Plourde v.*

Plourde, 678 A.2d 1032, 1034 (Me. 1996). We review such an order for abuse of discretion or clear error. *Liberty v. Liberty*, 2001 ME 19, ¶ 11, 769 A.2d 845, 847; *Plourde v. Plourde*, 678 A.2d at 1034. No abuse of discretion or clear error is indicated in the trial court's actions in this case.

The entry is:

Judgment affirmed.

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