

IN RE BRITTANY B. et al.

Submitted on Briefs November 29, 2005  
Decided December 22, 2005

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

MEMORANDUM OF DECISION

The guardian of Brittany B. and her sisters (the Guardian) appeals from a ruling by the Penobscot County Probate Court (*Woodcock, J.*) denying her motion for a change of venue to York County and her motion to dismiss the petition to terminate guardianship for failure to allege a substantial change in circumstances. Contrary to the Guardian's contentions, this appeal is untimely because the orders are interlocutory and do not fall under either the "death knell" or "judicial economy" exceptions to the final judgment rule. *See United States Dep't of Agric., Rural Hous. Serv. v. Carter*, 2002 ME 103, ¶ 13, 799 A.2d 1232, 1236 (observing judicial economy exception does not apply where the decision will resolve the litigation if the court decides one way but not the other); *Dairyland Ins. Co. v. Christensen*, 1999 ME 160, ¶ 8, 740 A.2d 43, 45 (noting that cost and delay of a

trial do not result in a substantial loss of rights as required for the death knell exception); *E. H. Parent, Inc. v. Aroostook Trust Co.*, 408 A.2d 87, 88 (Me. 1979) (concluding that “[a]n order on a motion for transfer of venue is interlocutory and not appealable”).

The entry is:

Appeal dismissed.

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