

ROBERT MICHALSKI et al.

v.

EARTH TECH, INC., et al.

Submitted on Briefs October 20, 2006

Decided October 27, 2006

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

MEMORANDUM OF DECISION

Kittery Water District appeals from a denial of a motion for a summary judgment in the Superior Court (York County, *Brennan, J.*) on Earth Tech's third-party complaint for breach of contract against KWD. We decline to review this case on an interlocutory appeal. KWD failed to demonstrate the applicability of any exception to the final judgment rule. *See Sanborn v. Sanborn*, 2005 ME 95, ¶ 6, 877 A.2d 1075, 1076. Moreover, KWD's interlocutory appeal is inappropriate for appellate review because the facts and issues are undeveloped, and because the third-party complaint against KWD may ultimately be mooted. *See Alexander, Maine Appellate Practice* § 301 at 157 (2004).

The entry is:

Appeal dismissed.

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