

JONATHAN BLUMBERG

v.

TOWN OF VASSALBORO et al.

Submitted on Briefs June 13, 2007
Decided June 21, 2007

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

MEMORANDUM OF DECISION

Jonathan Blumberg appeals from a summary judgment in favor of the Town of Vassalboro and a dismissal of the claims against Paul Morneau entered in the Superior Court (Kennebec County, *Studstrup, J.*) concluding that Blumberg lacked standing to bring an appeal pursuant to M.R. Civ. P. 80B, from the Town of Vassalboro Planning Board's approval of a subdivision development proposed by Morneau. The Town appeals from the court's denial of its motion for sanctions pursuant to M.R. Civ. P. 11. We conclude that the summary judgment was proper because Blumberg failed to oppose the Board's properly presented motion for

summary judgment and accompanying statement of material facts, and therefore failed to demonstrate the particularized injury necessary to establish that he had standing. See M.R. Civ. P. 56(e), (h)(4); *Norris Family Assocs., LLC v. Town of Phippsburg*, 2005 ME 102, ¶ 11, 879 A.2d 1007, 1012; *Harrington v. Town of Kennebunk*, 496 A.2d 309, 309 (Me. 1985). The court did not abuse its discretion in denying the Town's motion for sanctions pursuant to M.R. Civ. P. 11. See *Steeves v. Bernstein, Shur, Sawyer & Nelson, P.C.*, 1998 ME 210, ¶ 10 n.9, 718 A.2d 186, 190.

The entry is:

Judgments affirmed.

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