

ELISA DREWS

v.

SUSAN MILLIARD et al.

Submitted on Briefs June 13, 2007
Decided July 12, 2007

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

MEMORANDUM OF DECISION

Elisa Drews appeals from a judgment entered in the Superior Court (Cumberland County, *Delahanty, J.*), granting Susan Milliard and Smithwick & Clarke Insurance, Inc.'s motion for a judgment pursuant to M.R. Civ. P. 50(d), after Drews rested her case at trial on her complaint for negligence, negligent misrepresentation, and breach of contract. When the trial court in a non-jury case grants a motion for a judgment after the close of the plaintiff's case, resolving factual issues against the plaintiff, we review for clear error, accepting the facts found by the trial court, *McCarthy v. U.S.I. Corp.*, 678 A.2d 48, 50-51 (Me. 1996),

unless the record compels a contrary result, *see Westleigh v. Conger*, 2000 ME 134, ¶ 12, 755 A.2d 518, 520. Reviewed by those standards, the record supports the trial court's conclusions that Drews failed to prove: (1) Milliard had a duty to procure the insurance coverage Drews claimed to have requested; (2) there was a special relationship or agreement between the parties; or (3) the parties entered into a binding agreement to provide increased coverage.

The entry is:

Judgment affirmed.

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