

ROBERT DUGGAN JR.

v.

NORTH EAST INSURANCE COMPANY et al.

Argued September 15, 2008

Decided October 21, 2008

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

#### MEMORANDUM OF DECISION

Robert Duggan Jr. appeals from a summary judgment entered by the Superior Court (Cumberland County, *Delahanty, J.*) in favor of North East Insurance Company and Dairyland Insurance Company on Duggan's complaint seeking insurance proceeds pursuant to 24-A M.R.S. § 2904 (2007) to satisfy a judgment entered in his favor against Jamie Jackson, the driver of a motorcycle with whom he was involved in an accident. Contrary to Duggan's contentions, the facts, even when viewed most favorably to Duggan, *see Penn v. FMC Corp.*, 2006 ME 87, ¶ 6, 901 A.2d 814, 815, do not support a finding that Jackson had permission to operate the Harley Davidson motorcycle under the North East insurance policy. *See Am. Prot. Ins. Co. v. Acadia Ins. Co.*, 2003 ME 6, ¶ 11, 814 A.2d 989, 993; *Am. Motorists Ins. Co. v. LaCourse*, 314 A.2d 813, 816 (Me. 1974). In addition, contrary to Duggan's contentions, the court did not err in determining as a matter of law that Duggan had no reasonable belief that he was entitled to operate the Yamaha motorcycle, and in determining that Jackson did not have permission to operate the Harley Davidson motorcycle under the Dairyland insurance policy. *Craig v. Estate of Barnes*, 1998 ME 110, ¶¶ 7, 8, 710 A.2d 258, 260; *LaCourse*, 314 A.2d at 816-17.

The entry is:

Judgment affirmed.

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