

KEY EQUIPMENT FINANCE, INC.

v.

TIMOTHY MORSE

Submitted on Briefs June 4, 2009

Decided June 11, 2009

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

MEMORANDUM OF DECISION

Timothy Morse appeals from the Superior Court's (Cumberland County, *Cole, J.*) entry of summary judgment in favor of Key Equipment Finance, Inc., on Key's complaint alleging that Morse breached his agreement to personally guarantee an equipment lease agreement executed by Morse Brothers, Inc., and Key. Morse also appeals from the denial of his motion for relief from the summary judgment and the consequent entry of a final judgment against him on the Business and Consumer Docket (*Nivison, J.*).

Contrary to Morse's contentions, Key's unopposed statement of material facts established Key's entitlement to a judgment as a matter of law, *see* M.R. Civ. P. 56(c), (h); *Bay View Bank, N.A. v. Highland Golf Mortgagees Realty Trust*, 2002 ME 178, ¶¶ 10-11, 814 A.2d 449, 452; *Levine v. R.B.K. Caly Corp.*, 2001 ME 77, ¶ 4, 770 A.2d 653, 655, and the court (*Nivison, J.*) did not abuse its discretion in denying Morse relief from the summary judgment, *see* M.R. Civ. P. 60(b)(3), (6); *Efstathiou v. Aspinquid, Inc.*, 2008 ME 145, ¶ 15, 956 A.2d 110, 116; *Ezell v. Lawless*, 2008 ME 139, ¶¶ 18, 19, 28-30, 955 A.2d 202, 206, 207, 209; *Provencher v. Provencher*, 2008 ME 12, ¶ 9, 938 A.2d 821, 823. We decline Key's request for sanctions against Morse pursuant to M.R. App. P. 13(f).

The entry is:

Judgment affirmed.

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