

KEVIN YETMAN et al.

v.

STONERIDGE FARMS, INC., et al.

Submitted on Briefs January 22, 2009

Decided January 27, 2009

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

#### MEMORANDUM OF DECISION

Stoneridge Farms, Inc., Sol Fedder, Frederick Stone, Laura Stone, and Clifton Temm (Stoneridge Farms),<sup>1</sup> appeal from a partial summary judgment entered by the Superior Court (York County, *Brennan, J.*) in favor of the Yetmans and the Pelletiers (Yetmans),<sup>2</sup> on the Yetmans' claim that only a portion of Curtis Road was discontinued in 1954. Stoneridge Farms also appeals from a final judgment of the Superior Court, which established the location of Curtis Road, granted the Yetmans' declaratory judgment establishing a public easement on Curtis Road, and permanently enjoined Stoneridge Farms from obstructing that portion of Curtis Road over which the easement exists.

Contrary to Stoneridge Farms's argument, a review of the parties' statement of material facts shows that there is no genuine issue of material fact that Curtis Road was not discontinued in its entirety in 1954. *Reliance Nat'l Indem. v. Knowles Indus. Servs., Corp.*, 2005 ME 29, ¶ 7, 868 A.2d 220, 224. Also contrary to Stoneridge Farms' argument, the court's findings on the location of Curtis Road are supported by competent evidence and are not clearly erroneous. *Pratt v.*

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<sup>1</sup> Stoneridge Farms refers to all five defendants.

<sup>2</sup> Yetmans refers to all four plaintiffs, Kevin and Donna Yetman, and Steve and Lori Pelletier.

*Spaulding*, 2003 ME 56, ¶ 10, 822 A.2d 1183, 1186; *Earwood v. Town of York*, 1999 ME 3, ¶ 8, 722 A.2d 865, 868.

The entry is:

Judgment affirmed.

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