

KENNETH BUREK

v.

BELGRADE CONCRETE CUTTING, INC.

Submitted On Briefs February 26, 2009
Decided March 24, 2009

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

MEMORANDUM OF DECISION

Belgrade Concrete Cutting, Inc. (BCC) appeals from a judgment in favor of Kenneth Burek entered following a non-jury trial in the District Court (Farmington, *Stanfill, J.*) on Burek's complaint and BCC's counterclaim in connection with a construction dispute. Contrary to BCC's contention, the court neither erred nor exceeded its discretion in refusing to allow the attorney for BCC to continue to represent BCC as its attorney, and also to testify as its only fact witness, particularly given that BCC was represented by another attorney at trial. *See* M. Bar R. 3.4(g)(1)(i); *Hurley v. Hurley*, 2007 ME 65, ¶ 8, 923 A.2d 908, 910; *Carey v. Indian Rock Corp.*, 2005 ME 6, ¶ 3, 863 A.2d 289, 290.

The entry is:

Judgment affirmed.

Attorney for Belgrade Concrete Cutting, Inc.:

Jon A. Languet, Esq.
Languet Law, LLC
2 Main Street
Topsham, Maine 04086

Attorney for Kenneth Burek:

N. Quinn Collins, Esq.
David J. Perkins, Esq.
Perkins Olson, P.A.
30 Milk Street
PO Box 449
Portland, Maine 04112