

STATE OF MAINE

SUPREME JUDICIAL COURT
Sitting as the Law Court
Docket No. Yor-09-337
Decision No. Mem 10-17

JEAN PERRON

v.

ORDER GRANTING MOTION

RENE PERRON

Appellant Rene Perron has moved for a reconsideration of the Court's decision decided February 16, 2010, which rested in part on the Court's inability to conduct full appellate review of the issues in the absence of a transcript or a statement of the evidence pursuant to M.R. App. P. 5. In the motion, Rene asserts that he did, in fact, file a statement of the evidence. Appellate Rule 5(d) requires that "the statement and any objections or proposed amendments shall be submitted to the trial court for settlement and approval and, as settled and approved, shall be included in the record on appeal." While Rene submitted a statement of the evidence to the trial court, it was not settled and approved by the trial court, and was not included in the record on appeal.

Upon the Court's direction, the Motion for Reconsideration is GRANTED and the memorandum of decision is withdrawn. The case is remanded to the Springvale District Court for further action as follows:

(1) The Clerk of the Springvale District Court shall submit the statement of the evidence and any objections or proposed amendments to the trial court for settlement and approval. The District Court shall act on the statement of the evidence within twenty days of the date of this order.

(2) Thereafter, the Clerk of the District Court shall promptly transmit the statement of the evidence, as settled and approved by the trial court, to the Clerk of the Law Court, after which it shall be included in the record on appeal.

(3) Upon the Law Court's receipt of the statement of the evidence as settled and approved by the trial court, the Court will determine whether additional briefing is necessary. If so, a schedule will be established. If not, the case will be submitted for decision on the previously submitted briefs.

Date: March 10, 2010

For the Court,

/s/

Matthew M. Pollack
Executive Clerk of the Law Court
Pursuant to M.R. App. P. 12A(b)(4)