

MELISSA FERRIS

v.

WINTHROP MANOR LONG-TERM CARE & REHAB CENTER, INC.

Submitted on Briefs February 25, 2010

Decided March 2, 2010

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

#### MEMORANDUM OF DECISION

Melissa Ferris appeals from a discovery order entered in the Superior Court (Kennebec County, *Jabar, J.*), compelling her to provide Winthrop Manor Long-Term Care and Rehab Center, Inc., with medical records pertaining to her head injury and memory problems. “[T]he final judgment rule prevents a party from appealing a trial court’s decision on a motion before a final judgment has been rendered.” *Fiber Materials, Inc. v. Subilia*, 2009 ME 71, ¶ 12, 974 A.2d 918, 924. Contrary to Ferris’s contention, her claim does not meet the requirements of the death knell exception to the final judgment rule. *See In re Motion to Quash Bar Counsel Subpoena*, 2009 ME 104, ¶ 10, 982 A.2d 330, 335; *Fiber Materials*, 2009 ME 71, ¶¶ 14, 16, 974 A.2d at 924-25 (“The death knell exception is available only when the injury to the appellant’s claimed right, absent appeal, would be imminent, concrete and irreparable.”) (quotation marks omitted). Therefore, Ferris’s argument that her medical records are privileged pursuant to M.R. Evid. 503(b) is not addressed.

The entry is:

Appeal dismissed.

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