

DIANE J. PIKE

v.

NORTHERN LIGHT MERCY HOSPITAL

Submitted on Briefs July 19, 2022  
Decided July 26, 2022

Panel: STANFILL, C.J., and MEAD, JABAR, HORTON, CONNORS, and  
LAWRENCE, JJ.

## MEMORANDUM OF DECISION

Diane J. Pike appeals from a summary judgment entered by the Superior Court (Cumberland County, *Warren, J.*) in favor of Northern Light Mercy Hospital on Pike's complaint alleging medical malpractice. Contrary to Pike's contention, the court did not err in entering summary judgment on this record because Pike failed to properly designate any expert witness as required by a scheduling order to establish a professional standard of care to which Mercy Hospital would be bound.<sup>1</sup> See *Michaud v. Blue Hill Mem'l Hosp.*, 2008 ME 29, ¶¶ 5-6, 942 A.2d 686; *Graves v. S.E. Downey Registered Land Surveyor, P.A.*, 2005 ME 116, ¶ 10, 885 A.2d 779; *Cousins v. Higgins*, No. 18-1832, 2019 U.S. App. LEXIS 39640, at \*1 (1st Cir. Aug. 13, 2019); M.R. Civ. P. 26(b)(4)(A)(i).

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<sup>1</sup> Pike also failed to file an opposing statement of material facts, requiring the court to deem Mercy Hospital's properly supported statement of material facts to be admitted. M.R. Civ. P. 56(h)(2), (4); see *Michaud v. Blue Hill Mem'l Hosp.*, 2008 ME 29, ¶ 6, 942 A.2d 686.

The entry is:

Judgment affirmed.

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Diane Pike, appellant pro se

Philip M. Coffin III, Esq., and Tamra J. Wallace, Esq., Lambet Coffin, Portland,  
for appellee Northern Light Mercy Hospital

Cumberland County Superior Court docket number CV-2021-73  
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