

DAVID LEMELIN et al.

v.

CONSTRUCTION CATERERS, INC. et al.

Argued January 7, 2025  
Decided January 21, 2025

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

## MEMORANDUM OF DECISION

David and Lisa Lemelin appeal from a summary judgment entered by the Superior Court (Oxford County, *Archer, J.*) in favor the Defendants on the Lemelins' complaint alleging negligence. Contrary to the Lemelins' contention, the court did not err in entering summary judgment on this record because the Lemelins failed to meet their burden of establishing that the Defendants had an affirmative duty to investigate or intervene to prevent a fire at the Lemelins' dwelling. *See Est. of Cilley v. Lane*, 2009 ME 133, ¶¶ 17, 19, 985 A.2d 481; *Bryan R. v. Watchtower Bible & Tract Soc'y of N.Y., Inc.*, 1999 ME 144, ¶ 12, 738 A.2d 839; *Dragomir v. Spring Harbor Hosp.*, 2009 ME 51, ¶¶ 18-19, 970 A.2d 310.

Additionally, the court did not abuse its discretion in denying the Lemelins' eighth motion for enlargement of time. *See Dalton v. Quinn*, 2010 ME 120, ¶ 6, 8 A.3d 670 ("The trial court's ruling is entitled to considerable deference because of its superior position to evaluate the credibility and good faith of the parties before it." (quotation marks omitted)).

The entry is:

Judgment affirmed.

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Colton P. Gross, Esq. (orally), Thistle Weaver & Morris, Portland, for appellants David and Lisa Lemelin

John B. Schulte, Esq. (orally), Law Offices of John B. Schulte, Scranton, Pennsylvania, for appellees Construction Caterers, Inc., Jon Young, Erik J. Frost, Kaleb Getchel, Linwood Giberson, and Brandon Windover

Oxford County Superior Court docket number CV-2021-4  
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