

JOHN S. BARTH

v.

TOWN OF SANFORD

Submitted on Briefs September 27, 2000
Decided October 2, 2000

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY,
ALEXANDER, and CALKINS, JJ.

MEMORANDUM OF DECISION

John S. Barth appeals from the Superior Court's (York County, *Fritzsche, J.*) dismissal of the complaint against the Town of Sanford alleging nuisance. Contrary to Barth's contentions, the Superior Court did not exceed the bounds of its discretion when it granted the town's motion to dismiss, *Orlandella v. O'Brien*, 637 A.2d 105, 106 (Me. 1994), nor did the Superior Court exceed the bounds of its discretion by denying Barth's motion for default judgment, *Solomon's Rock Trust v. Davis*, 675 A.2d 506, 509 (Me. 1996), or when it denied Barth's motion for recusal. *Johnson v. Amica Mutual Insurance Co.*, 1999 ME 106, ¶ 11, 733 A.2d 977, 980. Given that the Superior Court properly granted the town's motion to dismiss, all of Barth's remaining claims of error are moot.

The entry is:

Judgment affirmed.

For the appellant:

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