

UNITED STATES DEPARTMENT OF AGRICULTURE

v.

NORTHEAST FEDERAL CREDIT UNION et al.

Submitted on Briefs April 26, 2000
Decided April 28, 2000

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

MEMORANDUM OF DECISION

Northeast Federal Credit Union appeals from a summary judgment entered in the District Court (Springvale, *Foster, J.*) in favor of the United States Department of Agriculture (USDA) on the USDA's complaint for foreclosure and sale. Contrary to Northeast's contentions, the court did not err when it relied on documents explicitly referenced in the USDA's statement of material facts. *See* M.R. Civ. P. 7(d); *Handy Boat Serv., Inc. v. Professional Servs., Inc.*, 1998 ME 134, ¶ 16, 711 A.2d 1306, 1310. Moreover, Northeast was required to submit an opposing statement setting forth controverted material facts, and in the absence of such a statement, the facts set out in the USDA's statement are deemed admitted. *See Biette v. Scott Dugas Trucking & Excavating, Inc.*, 676 A.2d 490, 494 (Me. 1996).

Thus, the court did not err when it entered a summary judgment for the USDA.

The entry is:

Judgment affirmed.

Attorney for plaintiff:

Richard H. Broderick Jr., Esq.
Broderick & Broderick
P O Box 5
Lincoln, ME 04457

Attorneys for defendants and parties-in-interest:

Stanley F. Greenberg, Esq.
Greenberg & Greenberg
97a Exchange Street
Portland, ME 04101

Bonnie B. Daigle
31 North Street
Sanford, ME 04073

Matthew Goldfarb, Esq.
482 Congress Street
Portland, ME 04101