

STATE OF MAINE

YORK, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. RE-14-47

ELAINE P. BRACKETT, et al.,

Plaintiffs

v.

ORDER

NICHOLAS THORNE, et al.,

Defendants

At issue in this case is whether or not a valid settlement agreement has been reached between the parties which should be enforced, or whether the matter should remain on the trial list. The Court has had an opportunity to carefully review all of the materials submitted and concludes as follows.

The Court concludes that *White v. Fleet Bank of Maine*, 875 A.2d 680 (Me. 2005) is instructive with respect to how to resolve this particular issue. In *White* the parties engaged in mediation and reached what was purported to be a settlement of the claim. Upon the drafting process the parties grew increasingly antagonistic and ultimately were unable to finalize the documents. The Law Court reflected upon the idea that the existence of any such settlement agreement resolving the case presents issues of fact, which requires evidence.

Accordingly, this Court orders that this matter be set for a two hour evidentiary hearing on the issue of whether or not a settlement agreement was reached, and what the parties intent was with respect to any disputed elements of that settlement agreement, including whether or not those provisions in dispute were stand alone

provisions, or whether or not they materially affected whether the entire case had settled.

Ten days prior to that hearing any party wishing to enforce the settlement agreement shall submit electronically to the Clerk an e-mail version of a proposed judgment, which includes the language requested in the proposed judgment as well as the statutory language required by 14 M.R.S. §2401.

Dated: June 29, 2015



John H. O'Neil, Jr.
Justice, Superior Court