

STATE OF MAINE
AROOSTOOK, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-2017-12

RICHARD CAYER and ANN CAYER,]
]]
Plaintiffs]
]]
v.]
]]
TOWN OF MADAWASKA,]
]]
Defendant]

**ORDER ON
DEFENDANT TOWN OF MADAWASKA'S
MOTION FOR SUMMARY JUDGMENT**

This matter comes before the Court on the motion of Defendant Town of Madawaska (the "Town") for summary judgement pursuant to M.R. Civ. P. 56 on all counts of the Complaint filed by Plaintiffs Richard and Ann Cayer (collectively, the "Cayers"). The parties have stipulated and agreed that the Court will decide this motion based on the facts and legal arguments presented to the Court in connection with the Cayers's previous Motion for Summary Judgment filed May 3, 2017. This Court denied that motion by Order dated December 4, 2017, but declined at that time to enter summary judgment for the Town, "[b]ecause Plaintiffs' complaint is for Declaratory Judgment and [the Court does] not know[] what other theories or basis [on which] they seek declaratory relief." (Order on Pls.' Mot. for Summ. Jt. at 7.) The parties have now stipulated and agreed that the Cayers do not seek relief on any legal theories other than those stated in their previously denied Motion for Summary Judgment, and have asked the Court to enter judgment based on the facts and legal arguments presented to the Court in connection with that previous motion.

In light of the foregoing, based on the stipulations of the parties and the submissions of the parties in connection with the present motion as well as the Cayers's previous Motion for Summary Judgment, the Court finds and concludes as follows:

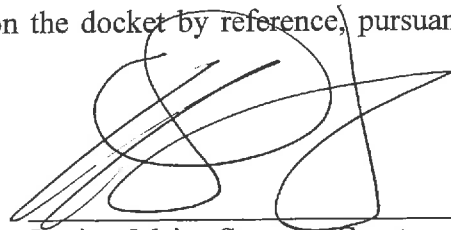
1. Even if the Cayers did acquire vested rights in their building permits, the Town issued a Notice of Violation and Stop Work Order pursuant to Section 16(I)(2)(a) of the Town's Shoreland Zoning Ordinance, and the Cayers's permits have expired by operation of Section 16(F) of the Town's Shoreland Zoning Ordinance.
2. The Cayers are not entitled to relief based on a theory of equitable estoppel.

In addition to and in support of these findings and conclusions, the Court incorporates by reference the contents of its Order dated December 4, 2017.

Therefore, Defendant Town of Madawaska's Motion for Summary Judgment is hereby **GRANTED**, and judgment is entered for the Defendant on all counts.

The clerk is directed to incorporate this Order on the docket by reference, pursuant to M.R. Civ. P. 79(a).

Dated: *February 6, 2019*


Justice, Maine Superior Court

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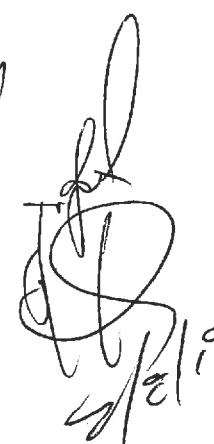
**ORDER GRANTING
DEFENDANT'S OBJECTION TO
PLAINTIFFS' JURTY TRIAL REQUEST
AND MOTION FOR BENCH TRIAL
(M.R. Civ. P. 39(a)(2))**

This matter comes before the Court as the result of Defendant Town of Madawaska's Objection to Plaintiff's Jury Trial Request and Motion for Bench Trial, pursuant to Maine Rule of Civil Procedure 39(a)(2). After careful review of the relevant pleadings, procedural rules, and law, and (without objection) (over objection), the Court hereby **GRANTS** Defendant's Motion. This matter is hereby removed from the jury trial list. Any trial in this matter, should a trial be necessary, will be tried before the Court without a jury.

The Clerk is directed to incorporate this Order upon the docket in accordance with M.R. Civ. P. 79(a).

Dated: _____

Hon. H. Stewart
Justice, Maine Superior Court

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Sweeney*  *5/2/19*