

STATE OF MAINE  
YORK, ss.

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. CV-13-148

BRUCE PLANTE and  
DENNIS PLANTE,

Plaintiffs

v.

ORDER

RONALD P. LONG,

Defendant

The defendant has filed a special motion to dismiss the complaint in its entirety pursuant to 14 M.R.S. §556 and a motion to dismiss.

Those motions have been briefed and were argued with skill and careful preparation. The motions will be denied for two reasons.

In 1995 Maine enacted an anti-Strategic Lawsuit Against Public Participation statute at 14 M.R.S. §556. Its history and provisions have most recently been discussed in *Town of Madawaska v. Cayer*, 2014 ME 121. The statute provides that, "The special motion to dismiss may be filed within 60 days of the service of the complaint or, in the court's discretion, at any later time upon terms the court determines proper." Here the defendant, who initially was without counsel, filed the motion some 161 days after service of the complaint and more than 60 days after counsel entered the case. There are no sufficient reasons to extend the 60-day period.

The second reason for denying the motion, beyond its being untimely, is that the facts are not yet clear enough to decide whether this was an improper attempt by public

officials to muzzle criticism or a proper suit by unjustly maligned and defamed individuals. See generally *Nader v. Maine Democratic Party (Nader II)*, 2013 ME 51.

The parties did agree that Counts I and Count VII of the complaint should be dismissed. A stipulation of dismissal was previously entered dismissing those two counts.

The entry is:

Defendant Ronald P. Long's motion to dismiss and special motion to dismiss are denied.

Dated: December 4, 2014

  
Paul A. Fritzsche  
Justice, Superior Court

CV-13-148

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