

STATE OF MAINE  
CUMBERLAND, ss

SUPERIOR COURT  
CIVIL ACTION  
Docket No. CV-16-80 ✓

CATHERINE F. MARTIN,

Plaintiff

v.

TOWN OF WINDHAM,

Defendant

ORDER ON DEFENDANT'S  
MOTION TO DISMISS

Before the court is defendant's motion to dismiss plaintiff's complaint, in which plaintiff alleges that defendant destroyed her boat and damaged her raft by plowing a nearby dirt road. Plaintiff's claim is subject to the Maine Tort Claims Act, 14 M.R.S. § 8104-A(1) (2015). The Act requires plaintiff to file a written notice within 180 days after her claim accrues, 14 M.R.S. § 8107(1) (2015). Her claim accrued in February or March of 2014. (See 9/14/15 Statement of Claim.) There is no evidence in the record that plaintiff filed a written notice. Failure to comply with the notice provision bars plaintiff's claim. Deschenes v. City of Sanford, 2016 ME 56, ¶ 12, \_\_ A.3d \_\_.

The entry is

Defendant's Motion to Dismiss is GRANTED.

Dated: June 7, 2016

  
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Nancy Mills  
Justice, Superior Court

STATE OF MAINE  
Cumberland, ss. Clerk's Office

JUN 07 2016

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