

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

STEPHEN AND KATHY DARNEY,	)	
Personally and on behalf of K.D. and S.D.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Docket No. 08-cv-47-P-S
	)	
DRAGON PRODUCTS COMPANY,	)	
LLC,	)	
	)	
Defendant.	)	
	)	

**CERTIFICATE OF QUESTIONS OF STATE LAW TO THE SUPREME  
JUDICIAL COURT OF MAINE SITTING AS THE LAW COURT**

The United States District Court for the District of Maine finds that this case involves questions of law of the state of Maine that may be determinative of the cause and that there are no clear controlling precedents thereon in the decisions of the Maine Supreme Judicial Court sitting as the Law Court. The Court's Order on Motion for Partial Summary Judgment (Docket # 93) provides the relevant procedural and factual background and describes the questions of law, regarding the viability of claims for trespass based on intangible invasions by dust and vibrations, to be answered. (See Order (Docket # 93) at 10-15.)

Accordingly, this court hereby CERTIFIES these questions to the Maine Supreme Judicial Court sitting as the Law Court and respectfully requests the Law Court to provide instructions concerning such questions of state law pursuant to 4 M.R.S.A. § 57 and Rule 25 of the Maine Rules of Appellate Procedure. In accordance with Maine Rule of Appellate Procedure 25(b), the Court respectfully suggests that the Defendant be

treated as the appellant before the Maine Supreme Judicial Court sitting as the Law Court.

The Clerk is hereby DIRECTED to cause twelve (12) copies of this Order to be certified, under official seal, to the Maine Supreme Judicial Court sitting as the Law Court. It is FURTHER ORDERED that the Clerk of this Court be, and is hereby, authorized and directed to provide, without any cost, to the Law Court, upon written request of the Chief Justice or the Clerk thereof, copies of any and all filings of the parties herein and of the docket sheets pertaining to this case.

SO ORDERED.

/s/ George Z. Singal  
United States District Judge

Dated this 6th day of August, 2009.