

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

TD BANK, N.A.,)

Plaintiff,)

v.)

No. 2:17-cv-00163-JAW

ESTATE OF BRUCE H. WOODMAN,)

through Stephanie Albert f/k/a)

Stephanie Green, Special)

Administrator, ANITA KENERSON)

PRICKETT, BONITA C. BUNKER,)

LINDSAY ASHWORTH KRAUSS,)

MARIAH FELLOW KRAUSE,)

MATTHEW FREDERICK KRAUSS,)

COURTNEY KRAUSS, KATHERINE)

KRAUSS HINDS, STEPHEN ALLEN)

COULOMBE, PAMELA COULOMBE)

ROSS, KEVIN CARL COULOMBE,)

VALERIE M. BERNIER, BRIAN C.)

KENERSON, BRADLEY PAIGE)

KENERSON SR., ERIC RUNE)

NORBERG, PAUL A. KENERSON,)

JR., LIZBETH KENERSON)

VILLACARO, DAPHNE B. LAZOR,)

BRENDA E. COLLINS KENERSON,)

JODI PERROW, CRAIG D. PERROW,)

and FRANK B. KENERSON, JR.,)

Defendants.)

ORDER

The Court concludes that TD Bank, N.A. satisfactorily responded to the Order to Show Cause (ECF No. 57) and therefore the Court deems the Order to Show Cause moot.

The Court agrees with TD Bank, N.A. that the two theories of action in this case, the foreclosure count and the partition count, should, to the extent possible, run on the same track. The Court would prefer to hold a conference in which all the Defendants, both those in the foreclosure action and those in the partition action, defaulted and not defaulted, are given notice. Providing notice of the conference would respond the First Circuit's concerns in *Key Bank of Maine v. Tablecloth Textile Co.*, 74 F.3d 349 (1st Cir. 1996).

The Court directs counsel to contact the Clerk's Office and obtain a date, time and place for the conference and to send a notice of the conference to all Defendants, both the Defendants who have answered the Complaint and those who have not. At the conference, TD Bank, N.A. should be prepared to demonstrate that it complied with this part of this Order.

At the conference, the Court hold a Local Rule 56(h) conference and will discuss TD Bank, N.A.'s proposed motion for default judgment with counsel for TD Bank, N.A. and with any defendants who appear at the conference.

The Court GRANTS in part and DISMISSES in part Plaintiff's Motion to File Combined Motion for Default and Summary Judgment (ECF No. 58). The Court GRANTS that part of TD Bank, N.A.'s motion that asks the Court to treat the foreclosure and partition counts to the extent possible as running on the same track. The Court DISMISSES so much of the motion as requests that the Court approve TD Bank, N.A.'s request to be allowed to file a motion for default and motion for summary judgment without first participating in a conference with the Court.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 1st day of October, 2018