

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. AP-02-020
REC-CUM-1/9/2003

STATE OF MAINE
CUMBERLAND, SS
CLERK'S OFFICE

2003 JAN -9 P 2:04

MBF WINDOWS.,

Plaintiff/Appellee

v.

DECISION ON APPEAL

NORMAN RICHMAN d/b/a
Cape Builders and Remodeling,

Defendant/Appellant

DONALD L. GARIBRECHT
LAW LIBRARY

JAN 22 2003

Defendant Norman Richman appeals from the District Court (Small Claims) judgment awarding plaintiff damages of \$3,742.34 against defendant plus costs.

Neither party requested a recording of the hearing pursuant to M.R.S.C.P. 6 and therefore no recording was made. The appellant does not contend that the absence of a record of the proceedings in the District Court is for a reason "beyond the control of any party" as that term is used in M.R. Civ. P. 76F(c).

Without a record, this court is unable to review the correctness of the District Court's findings. ". . . [T]he appellant has the burden of providing . . . a sufficient record that allows adequate consideration of his arguments." Tenney v. Benson, 741 A.2d 454 (Me. 1999). He has not met this burden.


MBF Windows appeared for oral argument but the appellant, Norman Richman did not appear. Therefore the appeal is dismissed for failure to prosecute.

If the appeal had not been dismissed for failure to prosecute the appeal would have been denied.

Therefore the entry is:

Appeal DISMISSED. Case is remanded to the District Court.

Dated: January 8, 2003


Robert E. Crowley
Justice, Superior Court

Date Filed 05-06-02

CUMBERLAND

County

Docket No. AP-02-20

Action APPEAL FROM DISTRICT COURT

MBF WINDOWS

NORMAN RICHMAN
d/b/a CAPE BUILDERS & REMODELING

vs.

Plaintiff's Attorney

PRO SE
3 DELTA DRIVE
WESTBROOK ME 04092

Defendant's Attorney

NORMAN RICHMAN, PRO-SE
13 SPOONDRIFT LANE
CAPE ELIZABETH, ME 04107

Date of