

STATE OF MAINE  
CUMBERLAND, SS.

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. CV-03-366

CUM-TED-8/31/06

BAYLEY HILL DEER & TROUT FARM, INC.,

Plaintiff

v.

**DECISION AND JUDGMENT**

ATLANTIC GAME MEATS, LLC,  
DAVID McGLINCHEY, individually and  
d/b/a GROVE HILL ELK & DEER FARM,

Defendant

Bayley Hill Deer & Trout Farm, Inc. (Bayley Hill) is a Maine corporation located in Scarborough that raises deer and elk to sell commercially. In the mid 1990s it began to sell its product to David McGlinchey, who in turn arranged for it to be processed through the Windham Butcher Shop for sale to restaurants and other commercial outlets.<sup>1</sup>

Bayley Hill initiated this action seeking judgment against the defendants for amounts unpaid and due for delivery of deer and elk meat.

Prior to trial, the parties entered into several stipulations:<sup>2</sup>

2. . . . Plaintiff claims defendants owe \$86,366.50, while defendants claim they owe \$48,640.75.
3. . . . [T]here are three central issues in this case:
  - A. The price paid for deer and elk meat;
  - B. Whether or not defendants made certain purchases;
  - C. Liability for the debt.

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<sup>1</sup> The facts set out in this decision constitute findings by the court as proven by a preponderance of evidence unless otherwise stated.

<sup>2</sup> The stipulations that are relevant to this decision are numbered as in the original.

A

4. [Joint] Exhibit No. 1 contains a section concerning the Undisputed Purchases and another section concerning Disputed Purchases. Under the two columns labeled Undisputed Purchases, Plaintiff [] claims that \$63,876.25 is the amount due. Defendants claim that the balance owed is \$48,640.75. This dispute centers on the price to be paid for the deer meat. According to Plaintiff, Defendants agreed to pay \$3.00 per pound for processed meats, and on occasion, \$1.25 per pound for trim. Defendants agree that the contract price was \$3.00 per pound, but only if the dead weight of the animal was between 125-150 pounds. According to Defendants, if the dead weight of the animal fell outside this range, the price dropped to \$1.75 per pound. Plaintiff claims that the weight range (between 125-150 pounds) was only a goal, but did not determine the price.<sup>[3]</sup>
5. . . . [T]here are nine purchases that plaintiff claims defendant made, but defendants claim they did not make. These nine purchases are reflected in the disputed purchases column of [Joint] Exhibit No. 1.
6. The final issue relates to responsibility for the debt. The issue is whether the debt is owed by Atlantic Game Meats, LLC, David McGlinchey or both?

Central to the decisions here is an understanding of how the parties did business from the beginning.

The parties began their relationship with a handshake agreement and never entered into any formal contract or any written memorandum regarding their dealings. The agreement was made between Fred Bayley, as a principal in Bayley Hill, and David McGlinchey individually, who was doing business as Atlantic Game Meats (AGM). AGM did not become an LLC corporation until June 2001. Although the purchases in dispute here occurred after that time, McGlinchey never informed Fred Bayley or any other representative of Bayley Hill of his change in status from an individual doing business under a company name to a separate legal entity. Although Bayley knew McGlinchey was doing business as Atlantic Game Meats, it is his position that he was

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<sup>3</sup> A copy of Joint Exhibit No. 1 is attached to this decision as an Appendix.

selling his product to David McGlinchey personally and it did not matter which name it was under as long as he received payment.

McGlinchey never discussed his change in status with Nicholas Richardson, the Bayley Hill business manager, or with Kathleen Bayley, Fred's wife and bookkeeper, even though he had several discussions with each of them regarding his delinquent account.

Invoices from Bayley Hill to the defendants, pl. ex. #3 were addressed to both "Atlantic Game Meats" and "David McGlinchey." Plaintiff's exhibit #4 shows the account history from January 1, 1999, prior to incorporation, to November 11, 2003, and is listed as "Atlantic Game Meats." As far as the plaintiff is concerned, David McGlinchey and AGM were always one and the same. Invoices for meat processing from the Windham Butcher Shop, pl. ex. #6, were made out to "Dave M.," "Dave McGlinchey," or "D. McGlinchey." According to Dana Mains, owner of the butcher shop, this notation was solely to "save time" even though he knew McGlinchey sold deer meat as Atlantic Game Meats.

The court determines that the debt to Bayley Hill is a joint debt for Atlantic Game Meats, LLC and David McGlinchey individually.

When the parties started their relationship they agreed on a price of \$3.50 per pound "rail weight".<sup>4</sup> The price was changed to \$3.00 per pound near the end of 1998 because the defendant was having difficulty making a profit.

Some time later Bayley Hill stopped selling to the defendant when he opened a retail store at the Portland Public Market. This operation lasted between a year to a year-and-a-half, but Bayley closed it because the rent was too high and resumed doing

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<sup>4</sup> "Rail weight" is defined as "dead weight;" that is, the weight of the animal without its head, limbs, and skin. The weight was determined by the Windham Butcher Shop.

business with McGlinchey and AGM. They set the price at the old level of \$3.00 per pound for a prime animal with a weight between 125 to 155 pounds. McGlinchey didn't want animals outside of the weight range because the quality wasn't as high. On occasion Bayley Hill told McGlinchey that an animal was outside the range and the defendant said – "ship it anyway." The weight range was a guide or goal.

The defendant claims that he purchased the meat on a two-tier price level: \$3.00 per pound for prime meat (125-150 pounds) and \$1.75 per pound for meat outside the range.

Richardson denies any conversation with McGlinchey regarding varied price structure. Even though he was the business manager, he had no authority to change the price structure approved by Fred Bayley. In fact, during his meetings with Richardson and Mrs. Bayley his primary concern was making arrangements for payment so he could continue his supply. He never disputed the weight of animals delivered or discussed any problems with Bayley's price structure or a "two-tier" price system. Discussions centered around the amount he owed and how it would be paid. . In fact, when he did make payments, he did not specify that any amount was for prime meat and a separate amount was for other meat. At one point he proposed that that he would pay in full for animals as they were delivered plus 50% of that amount which would be applied towards the arrearage.

Fred Bayley did not agree to a two-tier price for the meat and did not have such an agreement or price structure with any other customer. It was a goal to ship animals within the stated price range. The defendant was free to reject any shipment but did not.

Even if McGlinchey believes he had a two-tier price plan, such an agreement was never confirmed or agreed to by Fred Bayley or any other authorized representative of

Bayley Hill. The evidence supports the finding that the only price agreed to by the parties was \$3.00 per pound, "rail weight." The invoices admitted as Defendants' Exhibit 1 are documents created by McGlinchey to illustrate what he believes he owes under a two-tier price structure. They are not persuasive.

As to the undisputed purchases, *see* Joint Ex. 1, the court determines that the defendants owe the full amount of \$63,876.25.

The defendant claims that there are nine separate charges that he did not make and he fully disputes them. *See* Joint Ex. 1.

The court has examined the records, Pl. Ex. 1, 2, and 3, and finds that the records for three of the dates are fully consistent and support plaintiff's claim for sales on

July 16, 2001	\$4,335.00
February 14, 2001	\$2,412.00
January 17, 2003	\$ 396.00

The claim for September 20, 2001 (\$2,496.00) is consistent with record entries for September 19, 2001.

The claim for November 5, 2001 (\$1,992.00) is consistent with record entries for October 31, 2001.

Invoice No. 584, Pl. Ex. 3, dated January 1, 2003 (\$5,523.00) is supported by record entries of June 14, 2001. This invoice references that the actual date is June 14, 2001.

Invoice No. 570 (\$3,324.00) (February 13, 2003) is supported by other records. *See* Pl. Ex. 6 and 11.

The court finds that invoices numbered 568 (February 10, 2003) and 580 (April 15, 2003) are not supported by other records. The plaintiff is not entitled to recovery for these charges.

Plaintiff is entitled to an award of \$20,478.04 as to the disputed claims.

The Clerk will make the following entry as the Decision and Judgment of the court:

Judgment for plaintiff Bayley Hill Deer & Trout Farm, Inc. in the amount of \$84,354.29 against Atlantic Game Meats, LLC, and David McGlinchey individually, jointly and severally.

Plaintiff is awarded its costs and interest as allowed by rule and statute.

SO ORDERED.

DATED: August 31, 2006

A handwritten signature in black ink, appearing to read 'T. Delahanty II', is written over a horizontal line. The signature is stylized and somewhat cursive.

Thomas E. Delahanty II  
Justice, Superior Court

BAYLEY HILL DEER & TROUT FARM, INC. - PLAINTIFF

SUPERIOR COURT

CUMBERLAND, ss.

Docket No PORSC-CV-2003-00366

Attorney for: BAYLEY HILL DEER & TROUT FARM, INC.

MICHAEL J DONLAN - RETAINED 07/01/2003

VERRILL & DANA

PO BOX 147

KENNEBUNK ME 04043

**DOCKET RECORD**

vs

ATLANTIC GAME MEATS, LLC - DEFENDANT

Attorney for: ATLANTIC GAME MEATS, LLC

WINFRED STEVENS - RETAINED 07/28/2003

RUDMAN & WINCHELL

84 HARLOW ST

PO BOX 1401

BANGOR ME 04402-1401

Attorney for: ATLANTIC GAME MEATS, LLC

CHARLES F BUDD - RETAINED 08/01/2003

RUDMAN & WINCHELL

84 HARLOW ST

PO BOX 1401

BANGOR ME 04402-1401

DAVID MCGLINCHEY - DEFENDANT

Attorney for: DAVID MCGLINCHEY

WINFRED STEVENS - RETAINED 07/28/2003

RUDMAN & WINCHELL

84 HARLOW ST

PO BOX 1401

BANGOR ME 04402-1401

Attorney for: DAVID MCGLINCHEY

CHARLES F BUDD - RETAINED 08/01/2003

RUDMAN & WINCHELL

84 HARLOW ST

PO BOX 1401

BANGOR ME 04402-1401

WINDHAM BUTCHER SHOP, INC. - TRUSTEE

Filing Document: COMPLAINT

Minor Case Type: CONTRACT

Filing Date: 07/01/2003

**Docket Events:**

07/01/2003 FILING DOCUMENT - COMPLAINT FILED ON 07/01/2003  
WITH EXHIBIT A.

07/01/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
ATTORNEY - RETAINED ENTERED ON 07/01/2003  
Plaintiff's Attorney: MICHAEL J DONLAN

07/02/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.

MOTION - APPROVAL ATTACH/TRUSTEE PROC FILED WITH AFFIDAVIT ON 07/01/2003  
WITH MEMORANDUM IN SUPPORT OF MOTION FOR ATTACHMENT AND TRUSTEE PROCESS; AFFIDAVIT OF FRED  
BAYLEY AND PROPOSED ORDER.

- 07/08/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
SUMMONS/SERVICE - CIVIL SUMMONS FILED ON 07/08/2003
- 07/08/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
SUMMONS/SERVICE - CIVIL SUMMONS SERVED ON 07/01/2003  
UPON DAVID MCGLINCHEY, INDIVIDUALLY AND D/B/A GROVE HILL ELK & DEER FARM
- 07/08/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
SUMMONS/SERVICE - CIVIL SUMMONS FILED ON 07/08/2003
- 07/08/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
SUMMONS/SERVICE - CIVIL SUMMONS SERVED ON 07/01/2003  
UPON ATLANTIC GAME MEATS, LLC TO DAVID MCGLINCHEY
- 07/28/2003 Party(s): ATLANTIC GAME MEATS, LLC  
RESPONSIVE PLEADING - ANSWER & AFFIRMATIVE DEFENSE FILED ON 07/28/2003  
OF DEFENDANTS ATLANTIC GAMES AND MEATS, LLC.
- 07/28/2003 Party(s): ATLANTIC GAME MEATS, LLC, DAVID MCGLINCHEY  
OTHER FILING - OPPOSING MEMORANDUM FILED ON 07/28/2003  
TO PLAINTIFF'S MOTION FOR ATTACHMENT AND TRUSTEE PROCESS.
- 07/28/2003 Party(s): ATLANTIC GAME MEATS, LLC  
ATTORNEY - RETAINED ENTERED ON 07/28/2003  
Defendant's Attorney: WINFRED STEVENS
- Party(s): DAVID MCGLINCHEY  
ATTORNEY - RETAINED ENTERED ON 07/28/2003  
Defendant's Attorney: WINFRED STEVENS
- 07/29/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
MOTION - AFFID & REQUEST DEFAULT/JUDG FILED ON 07/28/2003  
AGAINST ATLANTIC GAME MEATS, LLC, DAVID MCGLINCHEY IND. AND D/B/A GROVE HILL ELK & DEER  
FARM
- 07/30/2003 ORDER - COURT ORDER ENTERED ON 07/29/2003  
THOMAS D WARREN , JUSTICE  
ORDER ENTERED WITH RESPECT TO STATUS OF DEFAULT. THE CLERK IS DIRECTED TO INCORPORATE  
THIS ORDER IN THE DOCKET BY REFERENCE PURSUANT TO RULE 79(A) 7-30-03 COPY MAILED TO  
MICHAEL DONLAN ESQ AND WINFRED STEVENS ESQS
- 08/01/2003 Party(s): ATLANTIC GAME MEATS, LLC  
ATTORNEY - RETAINED ENTERED ON 08/01/2003  
Defendant's Attorney: CHARLES F BUDD
- Party(s): DAVID MCGLINCHEY  
ATTORNEY - RETAINED ENTERED ON 08/01/2003  
Defendant's Attorney: CHARLES F BUDD



08/01/2003 Party(s): ATLANTIC GAME MEATS, LLC,DAVID MCGLINCHEY  
MOTION - MOTION FOR LATE ANSWER FILED ON 08/01/2003  
OF DEFENDANTS WITH PROPOSED ORDER

08/01/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
OTHER FILING - REPLY MEMORANDUM FILED ON 08/01/2003  
BY PLAINTIFF RE DEFENDANTS' OPPOSITION TO MOTION FOR ATTACHMENT AND TRUSTEE PROCESS.

08/04/2003 ASSIGNMENT - SINGLE JUDGE/JUSTICE ASSIGNED TO JUSTICE ON 08/04/2003  
THOMAS E HUMPHREY , SUPERIOR COURT CHIEF JUSTICE

08/05/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
OTHER FILING - OPPOSING MEMORANDUM FILED ON 08/05/2003  
OF PLAINTIFF TO DEFENDANTS' MOTION FOR LEAVE TO FILE LATE ANSWER, WITH ATTACHMENT.

08/06/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
MOTION - MOTION TO STRIKE FILED ON 08/04/2003

08/06/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
MOTION - MOTION TO STRIKE DENIED ON 08/05/2003  
THOMAS E HUMPHREY , SUPERIOR COURT CHIEF JUSTICE  
ON 08-06-2003 COPIES MAILED TO CHARLES BUDD, WINFRED STEVENS AND MICHAEL DONLAN, ESQS.

08/06/2003 Party(s): ATLANTIC GAME MEATS, LLC,DAVID MCGLINCHEY  
MOTION - MOTION FOR LATE ANSWER GRANTED ON 08/05/2003  
THOMAS E HUMPHREY , SUPERIOR COURT CHIEF JUSTICE  
DEFENDANTS' MOTION FOR LEAVE TO FILE LATE ANSWER IS GRANTED. ON 08-06-03 COPIES MAILED TO  
MICHAEL DONLAN, CHARLES BUDD AND WINFRED STEVENS, ESQS.

08/07/2003 ORDER - SCHEDULING ORDER ENTERED ON 08/07/2003  
THOMAS E HUMPHREY , SUPERIOR COURT CHIEF JUSTICE  
DISCOVERY DEADLINE IS APRIL 7, 2004. ON 08-07-03 COPIES MAILED TO WINFRED STEVENS, CHARLES  
BUDD AND MICHAEL DONLAN, ESQS.

09/04/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
MOTION - APPROVAL ATTACH/TRUSTEE PROC GRANTED ON 09/04/2003  
THOMAS E HUMPHREY , SUPERIOR COURT CHIEF JUSTICE  
IT IS ORDERED THAT ATTACHMENT AND TRUSTEE PROCESS MAY BE MADE AGAINST THE PROPERTY OF  
DEFENDANTS, ATLANTIC GAME MEATS, LLC, AND DAVID MCGLINCHEY, INDIVIDUALLY AND D/B/A GROVE  
HILL ELK & DEER FARM, IN THE AMOUNT OF \$88,518.00; PROVIDED, HOWEVER, THAT THE FIRST  
\$100.00 OF DEMAND BANK ACCOUNTS HELD YBY ANY ONE TRUSTEE SHALL BE EXEMPT FROM TRUSTEE  
PROCESS ISSUED PURSUANT TO THIS ORDER.ON 09-04-03 COPIES MAILED TO CHARLES BUDD, WINFRED  
STEVENS, ESQS AND GIVEN IN HAND TO MICHAEL DONLAN, ESQ.

09/04/2003 HEARING - APPROVAL ATTACH/TRUSTEE PROC HELD ON 09/04/2003  
THOMAS E HUMPHREY , SUPERIOR COURT CHIEF JUSTICE  
ON PLAINTIFF'S MOTION FOR ATTACHMENT. MOTION GRANTED.

09/11/2003 OTHER FILING - TRUSTEE STATEMENT UNDER OATH FILED ON 09/11/2003  
MERRILL MERCHANTS BANK (LLS)

09/18/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
SUMMONS/SERVICE - SUMMONS TO TRUSTEE FILED ON 09/18/2003

09/18/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
SUMMONS/SERVICE - SUMMONS TO TRUSTEE SERVED ON 09/05/2003  
UPON FRANCES FRUCHTNIKT. (LLS)

09/18/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
SUMMONS/SERVICE - SUMMONS TO TRUSTEE FILED ON 09/18/2003

09/18/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
SUMMONS/SERVICE - SUMMONS TO TRUSTEE SERVED ON 09/05/2003  
UPON FRED BROWN (LLS)

09/30/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
SUMMONS/SERVICE - SUMMONS TO TRUSTEE FILED ON 09/30/2003

09/30/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
SUMMONS/SERVICE - SUMMONS TO TRUSTEE SERVED ON 09/16/2003  
UPON BUTCHER SHOP (DANA MAINS) (LLS)

09/30/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
SUMMONS/SERVICE - SUMMONS TO TRUSTEE FILED ON 09/30/2003

09/30/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
SUMMONS/SERVICE - SUMMONS TO TRUSTEE SERVED ON 09/19/2003  
UPON FORREST BRADBURY TO JOAN BRADBURY (WIFE)

10/07/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
LETTER - FROM PARTY FILED ON 10/07/2003  
LETTER FROM PLAINTIFF'S COUNSEL, MICHAEL J. DONALAN INFORMING COURT THAT MEDIATION HAS  
BEEN SET FOR 11-11-03 AT 10:00 A.M. WITH CHARLES ABBOTT, ESQ. AT VERRILL & DANA, PORTLAND.  
DB

10/07/2003 OTHER FILING - TRUSTEE STATEMENT UNDER OATH FILED ON 10/07/2003  
OF TRUSTEE FORREST BRADBURY. (LLS)

10/07/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
SUMMONS/SERVICE - SUMMONS TO TRUSTEE FILED ON 10/07/2003

10/07/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
SUMMONS/SERVICE - SUMMONS TO TRUSTEE SERVED ON 09/30/2003  
UPON CATHY MOORE. (LLS)

10/07/2003 SUMMONS/SERVICE - SUMMONS TO TRUSTEE FILED ON 10/07/2003

10/07/2003 SUMMONS/SERVICE - SUMMONS TO TRUSTEE SERVED ON 10/02/2003  
UPON LA VALLEE FEDERAL CREDIT UNION TO LUCILLE CASTONGUAY. (LLS)

10/08/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
ADR - NOTICE OF ADR PROCESS/NEUTRAL FILED ON 10/08/2003  
LETTER FROM PLAINTIFF'S ATTORNEY ADVISING THAT ADR MEDIATION WILL BE HELD WITH CHARLES  
ABBOTT, ESQ. ON 11-11-03 BEGINNING AT 10:00 A.M. DB

10/09/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.

SUMMONS/SERVICE - SUMMONS TO TRUSTEE FILED ON 10/09/2003

- 10/09/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
SUMMONS/SERVICE - SUMMONS TO TRUSTEE SERVED ON 10/01/2003  
UPON FLEET BANK TO BRAD HUNTER. (LLS)
- 10/10/2003 OTHER FILING - TRUSTEE STATEMENT UNDER OATH FILED ON 10/10/2003  
OF FLEET NATIONAL BANK. (LLS)
- 10/10/2003 OTHER FILING - TRUSTEE STATEMENT UNDER OATH FILED ON 10/10/2003  
UNITEDKINGFIELD BANK.
- 11/07/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 11/07/2003  
PLAINTIFF'S INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS PROPOUNDED TO  
DEFENDANT, ATLANTIC GAME MEATS, LLC; PLAINTIFF'S INTERROGATORIES PROAND REQUEST FOR  
PRODUCTION OF DOCUMENTS PROPOUNDED TO DEFENDANT DAVID MCGLINCHE, INDIVIDUALLY AND DBA  
GROVE HILL ELK & DEER FARM, SERVED ON CHARLES F.BUDD, JR, ESQ. ON 11-05-03. DB
- 11/17/2003 ORDER - REPORT OF ADR CONF/ORDER UNRESOLVED ON 11/17/2003  
THOMAS E HUMPHREY , SUPERIOR COURT CHIEF JUSTICE  
REPORT OF ADR CONFERENCE FILED. CASE IS UNRESOLVED. ORDER ENTERED. ON 11-17-03 COPIES  
MAILED TO CHARLES BUDD, WINDRED STEVENS, AND MICHAEL DONLAN, ESQS.
- 11/18/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 11/18/2003  
PLAINTIFF'S SUBPOENA TO PRODUCE EVIDENCE (DOCUMENTS) TO WINDHAM BUTCHER SHOP SERVED ON  
WINDHAM BUTCHER SHOP 11-11-03.
- 11/19/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
MOTION - AFFID & REQUEST DEFAULT/JUDG FILED ON 11/19/2003  
OF PLAINTIFF AGAINST TRUSTEE, WINDHAM BUTCHER SHOP, INC.
- 11/19/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
ORDER - DEFAULT ENTERED ON 11/19/2003  
GAIL MERRITT , ADMINISTRATIVE CLERK  
AGAINST TRUSTEE, WINDHAM BUTCHER SHOP, INC. COPY MAILED TO MICHAEL DONLAN AND CHARLES  
BUDD JR ESQS. AND TO WINDHAM BUTCHER SHOP INC. AT 247 VARNEY MILL ROAD, WINDHAM ME 04062
- 12/16/2003 Party(s): ATLANTIC GAME MEATS, LLC,DAVID MCGLINCHEY  
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 12/16/2003  
DEFENDANTS' RESPONSE TO INTERROGATORIES PROPOUNDED BY PLAINTIFF; DEFENDANTS' RESPONSE TO  
PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS. SERVED ON MICHAEL J. DONLAN, ESQ. ON  
DECEMBER 12, 2003. (AD).
- 12/22/2003 ORDER - COURT ORDER ENTERED ON 12/10/2003  
THOMAS E HUMPHREY , SUPERIOR COURT CHIEF JUSTICE  
DEFAULT JUDGMENT BY THE COURT. JUDGMENT IS HEREBY ENTERED FOR THE PLAINTIFF AGAINST,  
TRUSTEE WINDHAM BUTCHER SHOP, INC. FOR THE SUM OF UP TO \$88,518.00. ON 12-12-03 COPIES  
MAILED TO MICHAEL DONLAN, ESQ., CHARLES BUDD, ESQ. AND TRUSTEE WINDHAM BUTCHER SHOP, INC.  
AT 247 VARNEYH MILL ROAD, WINDHAM, MAINE 04062.
- 12/29/2003 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.

JURY FILING - DEMAND FOR JURY TRIAL FILED ON 12/29/2003  
OF PLAINTIFF - \$300.00 JURY FEE PAID (DC)

- 01/02/2004 Party(s): ATLANTIC GAME MEATS, LLC, DAVID MCGLINCHEY  
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 01/02/2004  
DEFENDANTS' SUPPLEMENTAL RESPONSE TO INTERROGATORIES AND REQUEST FOR PRODUCTION OF  
DOCUMENTS PROPOUNDED TO PLAINTIFF, SERVED ON MICHAEL J. DOLAN, ESQ. ON 12-12-03. DB
- 01/12/2004 Party(s): ATLANTIC GAME MEATS, LLC, DAVID MCGLINCHEY  
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 01/12/2004  
DEFENDANTS' SUPPLEMENTAL RESPONSE TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS,  
SERVE DON MICHAEL J. DONLAN, ESQ. ON 01-08-04. DB
- 01/23/2004 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 01/23/2004  
PLAINTIFF'S NOTICE OF DEPOSITION OF DAVID MCGLINCHEY AND ROBERT R. RICHARDS, SERVED ON  
CHARLES F. BUDD, JR., ESQ. ON 01-22-04. DB
- 01/26/2004 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 01/26/2004  
PLAINTIFF'S AMENDED NOTICE OF DEPOSITION OF DAVID MCGLINCHEY AND ROBERT R. RICHARDS,  
SERVED ON CHARLES F. BUDD, JR., ESQ. ON 01-23-04. DB
- 01/28/2004 Party(s): ATLANTIC GAME MEATS, LLC, DAVID MCGLINCHEY  
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 01/28/2004  
DEFENDANTS' INTERROGATORIES PROPOUNDED TO PLAINTIFF; DEFENDANTS' FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS PROPOUNDED TO PLAINTIFF SERVED ON MICHAEL J. DONLAN, ESQ. 01-26-  
04. (LLS)
- 02/02/2004 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 02/02/2004  
WITNESS SUBPOENA FOR DEPOSITION SERVED ON ROBERT R. RICHARDS ON 1-28-04 (GA)
- 03/02/2004 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 03/02/2004  
PLAINTIFF'S RESPONSE TO DEFENDANTS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND  
PLAINTIFF'S OBJECTIONS TO DEFENDANTS' INTERROGATORIES SERVED ON CHARLES BUDD, JR., ESQ. ON  
MARCH 1, 2004. AD
- 03/26/2004 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 03/26/2004  
NOTICES OF DEPOSITIONS OF DIANE MCGLINCHEY AND JULIE HARDING SERVED ON CHARLES BUDD, JR.,  
ESQ. ON 3-25-04 (DC)
- 03/31/2004 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 03/31/2004  
PLAINTIFF'S AMENDED NOTICE OF DEPOSITION OF DIANA MCGLINCHEY AND AMENDED NOTICE OF  
DEPOSITION OF JULIE HARDING SERVED ON CHARLES BUDD, JR., ESQ. ON MARCH 30, 2004. AD
- 03/31/2004 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 03/31/2004  
PLAINTIFF'S WITNESS SUBPOENA FOR DEPOSITION SERVED ON JULIE HARDING ON MARCH 27, 2004. AD

04/05/2004 Party(s): ATLANTIC GAME MEATS, LLC,DAVID MCGLINCHEY,WINDHAM BUTCHER SHOP, INC.  
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 04/05/2004  
DEFENDANTS' NOTICE TO TAKE ORAL DEPOSITION OF DANA MAINS SERVED ON MICHAEL J. DONLAN, ESQ.  
ON APRIL 1, 2004. AD

04/12/2004 Party(s): ATLANTIC GAME MEATS, LLC,DAVID MCGLINCHEY  
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 04/12/2004  
DEFENDANTS' OBJECTION TO PRODUCTION OF DOCUMENTS REQUESTED IN DEPOSITION NOTICE SERVICE  
UPON JULIE HARDING AND DIANA MCGLINCHEY SERVED ON MICHAEL J. DONLAN, ESQ. ON 4-9-04 (GA)

04/20/2004 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 04/20/2004  
PLAINTIFF'S RESPONSE TO DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS SERVED ON CHARLES  
F. BUDD, JR., ESQ. 04-16-04. (LLS)

04/21/2004 OTHER FILING - STATEMENT OF TIME FOR TRIAL FILED ON 04/21/2004  
ESTIMATED TIME FOR TRIAL IS 2 DAYS. AD

04/22/2004 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
DISCOVERY FILING - RULE 26(G) LETTER FILED ON 04/22/2004  
PLAINTIFFS REQUEST FOR DISCOVERY CONFERENCE.

04/23/2004 ORDER - FINAL PRETRIAL ORDER ENTERED ON 04/21/2004  
THOMAS E HUMPHREY , SUPERIOR COURT CHIEF JUSTICE  
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO  
PARTIES/COUNSEL ON 04-21-04. AD

05/04/2004 HEARING - 26(G) CONFERENCE HELD ON 04/28/2004  
THOMAS E HUMPHREY , SUPERIOR COURT CHIEF JUSTICE  
MICHAEL DONLAN, ESQ. TO SUBMIT ORDER TO JUSTICE HUMPHREY IN CUMBERLAND. HEARING WAS HELD  
ON THIS DATE AS TO THE DISCOVERY DISPUTE. AD

05/04/2004 ORDER - COURT ORDER ENTERED ON 05/04/2004  
THOMAS E HUMPHREY , SUPERIOR COURT CHIEF JUSTICE  
THIS MATTER BEFORE THE COURT FOR A DISCOVERY CONFERENCE ON WED, APRIL 28, 04, PLAINTIFF  
BEING REPRESENTD BY MICHAEL DONLAN, ESQ. AND DEFENDANTS BEING REPRESENTED BY ANTHONY  
PELLEGRINI, ESQ. THE DISPUTE CENTERS ON DEFENDANTS' OBJECTIONS TO THE DOCUMENTS REQUESTED  
IN THE DEPOSITION NOTICES OF JULIE HARDING AND DIANA MCGLINCHEY. THE REQUESTS AND THE  
OBJECTIONS ARE IDENTICAL. A COPY OF THE REQUESTS AND OBJECTIONS ARE ATTACHED TO THIS ORDER  
AS EXHIBIT A. BY AGREEMENT OF THE PARTIES, THE PRETRIAL OR- DER DATED APRIL 21, 2004 IS  
AMENDED AS FOLLOWS: THE PARTIES SHALL EXCHANGE AND FILE WITNESS AND EXHIBIT LISTS, TRIAL  
BRIEFS AND RELATED MATERIALS, IF ANY, AND EXCHANGE SETTLEMENT LETTERS, NO LATER THAN MAY  
28, 2004. THE CLERK IS HEREBY DIRECTED TO INCORPORATE THIS ORDER BY REFERENCE ON THE  
COURT'S DOCKET PURSUANT TO M.R.CIV.P.79(A). (SEE ORDER 5/04/04). ON 05-4-04 COPIES MAILED  
TO CHARLES BUDD, ESQ. AND MICHAEL DONLAN, ESQ. AD

05/05/2004 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 05/05/2004  
PLAINTIFF'S AMENDED NOTICE OF DEPOSITION OF DIANA MCGLINCHEY AND JULIE HARDING, SERVED ON  
CHARLES F. BUDD, JR, ESQ. ON 05-04-04. DB

06/01/2004 Party(s): ATLANTIC GAME MEATS, LLC,DAVID MCGLINCHEY  
OTHER FILING - EXHIBIT LIST FILED ON 06/01/2004

OF DEFENDANTS' EXHIBIT LIST. AD

- 06/01/2004 Party(s): ATLANTIC GAME MEATS, LLC,DAVID MCGLINCHEY  
OTHER FILING - WITNESS LIST FILED ON 06/01/2004  
OF DEFENDANTS'. AD
- 06/01/2004 Party(s): ATLANTIC GAME MEATS, LLC,DAVID MCGLINCHEY  
OTHER FILING - TRIAL BRIEF FILED ON 06/01/2004  
OF DEFENDANTS'. AD
- 06/01/2004 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
OTHER FILING - WITNESS & EXHIBIT LIST FILED ON 05/28/2004  
OF PLAINTIFF'S WITNESS & EXHIBIT LIST. AD
- 06/01/2004 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
OTHER FILING - TRIAL BRIEF FILED ON 05/28/2004  
OF PLAINTIFF'S TRIAL BRIEF WITH EXHIBIT A. AD
- 06/02/2004 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
OTHER FILING - WITNESS LIST FILED ON 06/02/2004  
PLAINTIFF'S AMENDED WITNESS LIST. DB
- 09/08/2004 HEARING - TRIAL MANAGEMENT CONFERENCE HELD ON 09/08/2004  
THOMAS E HUMPHREY , SUPERIOR COURT CHIEF JUSTICE
- 09/22/2004 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
DISCOVERY FILING - RULE 26(G) LETTER FILED ON 09/22/2004  
FROM MICHAEL DONLAN, ESQ. REQUESTING AN IMMEDIATE DISCOVERY CONFERENCE. AD
- 10/22/2004 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
LETTER - FROM PARTY FILED ON 10/22/2004  
COPY OF MICHAEL DONLAN, ESQ. TO CHARLES BUDD, JR., ESQ. REGARDING FILING OF DEFENDANTS'  
SUGGESTION OF BANKRUPCY (DC)
- 10/22/2004 Party(s): DAVID MCGLINCHEY  
OTHER FILING - SUGGESTION OF BANKRUPTCY FILED ON 10/22/2004  
OF DEF. DAVID MCGLINCHEY INDIVIDUALLY AND D/B/A GROVE HILL ELK AND DEER FARM (DC)
- 01/11/2005 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
MOTION - MOTION TO RETAIN ON DOCKET FILED ON 01/10/2005  
OF PLAINTIFF'S MOTION TO RESTORE TO DOCKET. AD
- 02/04/2005 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
MOTION - MOTION TO RETAIN ON DOCKET GRANTED ON 02/03/2005  
THOMAS E DELAHANTY II, JUSTICE  
THERE APPEARING TO BE NO REASON TO FURTHER STAY THE PROCEEDING, IT IS HEREBY ORDERED  
THAT: THE CLERK SHALL IMMEDIATELY RESTORE THE CASE TO THE NEXT AVAILABLE TRIAL CALENDAR.  
CASE IS TO BE LISTED ON MAY/JUNE LIST IN ITS PRIOR POSITION. ON 02-04-05 COPIES MAILED TO  
CHARLES BUDD, WINFRED STEVENS AND MICHAEL DONLAN, ESQS. AD
- 05/04/2005 HEARING - TRIAL MANAGEMENT CONFERENCE HELD ON 05/04/2005  
THOMAS E DELAHANTY II, JUSTICE  
PURSUANT TO RULE 79(A), M.R.CIV.P., THE CLERK IS DIRECTED TO MAKE THE FOLLOWING ENTRY IN

THE CIVIL DOCKET; CONFERENCE ORDER FILED; CASE SET FOR TRIAL ON WEEK OF JUNE 6, 2005. ON 05-03-05 COPIES GIVEN IN HAND TO MICHAEL DONLAN, ESQ. AND CHARLES BUDD, ESQ.

- 09/08/2005 Party(s): ATLANTIC GAME MEATS, LLC, DAVID MCGLINCHEY  
MOTION - MOTION FOR WITHDRAWAL OF CNSL FILED ON 09/08/2005  
OF CHARLES BUDD, ESQ. AS COUNSEL FOR DEFENDANTS, ATLANTIC GAME MEATS, LLC AND DAVID  
MCGLINCHEY, INDIVIDUALLY AND D/B/A GROVE HILLELK AND DEER FARM WITH EXHIBIT A. AD
- 09/08/2005 Party(s): ATLANTIC GAME MEATS, LLC, DAVID MCGLINCHEY  
MOTION - MOTION FOR WITHDRAWAL OF CNSL DENIED ON 09/07/2005  
THOMAS E DELAHANTY II, JUSTICE  
MOTION DENIED. CASE IS ON TRIAL LIST AND HAS BEEN FOR SOME TIME. ON 09-07-05 COPIES GIVEN  
IN HAND TO MICHAEL DONLAN AND CHARLES BUDD, ESQ. AD
- 09/08/2005 HEARING - TRIAL MANAGEMENT CONFERENCE HELD ON 09/07/2005  
THOMAS E DELAHANTY II, JUSTICE  
PURSUANT TO RULE 79(A), M.R.CIV.P., THE CLERK IS DIRECTED TO MAKE THE FOLLOWING ENTRY IN  
THE CIVIL DOCKET: CONFERENCE ORDER FILED; CASE SET FOR TRIAL ON SEPTEMBER 12 JURY  
SELECTION; SEPTEMBER 19, 2005 TRIAL. ON 09-07-05 COPIES GIVEN IN HAND TO MICHAEL DONLAN,  
ESQ. AND CHARLES BUDD, ESQ. AD
- 09/30/2005 TRIAL - BENCH HELD ON 09/19/2005  
THOMAS E DELAHANTY II, JUSTICE  
Defendant's Attorney: CHARLES F BUDD  
Plaintiff's Attorney: GENE LIBBY Reporter: TIMOTHY THOMPSON  
NON-JURY TRIAL BEGINS; PLAINTIFFS' AND DEFENDANT'S MAKE OPENING STATEMENTS; PLAINTIFFS'  
TESTIMONY BEGINS; PLAINTIFFS REST; DEFENDANTS TESTIMONY BEGIN S; DEFENDANTS REST;  
PLAINTIFFS' REBUTTAL WITNESSES; PLAINTIFFS FINALLY REST MICHAEL DONLAN, ESQ. PRESENT FOR  
PLAINTIFF. PLAINTIFFS AND DEFENDANTS' EXHIBITS FOR TRIAL  
HELD ON SEPTEMBER 19, 2005 ARE ENCLOSED IN FILE ON EXHIBIT SHEETS. AD  
COURT TAKES MATTER UNDER ADVISEMENT.
- 05/22/2006 Party(s): BAYLEY HILL DEER & TROUT FARM, INC.  
LETTER - FROM PARTY FILED ON 05/22/2006  
FROM GENE R. LIBBY, ESQ. ASKING FOR STATUS OF THE CASE. (DY)
- 09/01/2006 FINDING - JUDGMENT DETERMINATION ENTERED ON 09/01/2006  
THOMAS E DELAHANTY II, JUSTICE  
THE CLERK WILL MAKE THE FOLLOWING ENTRY AS THE DECISION AND JUDGMENT OF THE COURT:  
JUDGMENT FOR PLAINTIFF BAYLEY HILL DEER & TROUT FARM, INC. IN THE AMOUNT OF \$84,354.29  
AGAINST ATLANTIC GAME MEATS, LLC, AND DAVID MCGLINCHEY INDIVIDUALLY, JOINTLY AND  
SEVERALLY. PLAINTIFF IS AWARDED ITS COSTS AND INTEREST AS ALLOWED BY RULE AND STATUTE. SO  
ORDERED. ON 09-01-06 COPIES MAILED TO WINFRED STEVENS, CHARLES BUDD AND MICHAEL DONLAN,  
ESQS. AD
- ORDER - COURT JUDGMENT ENTERED ON 09/01/2006  
THOMAS E DELAHANTY II, JUSTICE  
THE CLERK WILL MAKE THE FOLLOWING ENTRY AS THE DECISION AND JUDGMENT OF THE COURT:  
JUDGMENT FOR PLAINTIFF BAYLEY HILL DEER & TROUT FARM, INC. IN THE AMOUNT OF \$84,354.29  
AGAINST ATLANTIC GAME MEATS, LLC, AND DAVID MCGLINCHEY INDIVIDUALLY, JOINTLY AND  
SEVERALLY. PLAINTIFF IS AWARDED ITS COSTS AND INTEREST AS ALLOWED BY RULE AND STATUTE. SO  
ORDERED. ON 09-01-06 COPIES MAILED TO WINFRED STEVENS, CHARLES BUDD AND MICHAEL DONLAN,  
ESQS. AD MS. DEBORAH FIRESTONE, THE DONALD GARBRECHT LAW LIBRARY, GOSS MIMEOGRAPH,

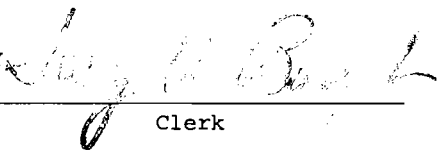
LOISLAW.COM, INC. AD

Judgment entered for BAYLEY HILL DEER & TROUT FARM, INC. and against ATLANTIC GAME MEATS, LLC,  
DAVID MCGLINCHEY, WINDHAM BUTCHER SHOP, INC. in the amount of \$84354.29.

09/01/2006 FINDING - FINAL JUDGMENT CASE CLOSED ON 09/01/2006

A TRUE COPY

ATTEST:

  
\_\_\_\_\_  
Clerk