

STATE OF MAINE
KENNEBEC, ss

SUPERIOR COURT
CIVIL ACTION
DOCKET NOS. CV-08-159
NM-KEN-15-10-2008

KIMBERLY TUTTLE
GLEASON, et al.,

Plaintiffs,

v.

ORDER ON MOTION FOR
SUMMARY JUDGMENT

PAULETTE TUTTLE, et al.,

Defendants

Before the court is plaintiffs Kimberly Gleason and Anthony Tuttle's motion for partial summary judgment. For the following reasons, the motion is granted in part and denied in part.

Factual and Procedural Background

The Certificate of Limited Partnership for the Tuthill Family Limited Partnership (TFLP) was filed on October 1, 1998. Pls.' SUMF, ¶ 1. Kenneth Tuttle was named as the sole general partner. Pls.' SUMF, ¶ 2. The original partnership agreement cannot be found. Pls.' SUMF, ¶ 8; TFLP's SOMF, ¶ 8.

The plaintiffs claim that they are limited partners in TFLP and support their claim through testimony and through partnership documents that indicate that they, along with their brother, Nathan Tuttle, are limited partners. Pls.' SUMF, ¶ 5; Pls.' Rep. to TFLP's SAMF, ¶ 22. The defendants assert that the only limited partners are three trusts created as part of Kenneth and Paulette Tuttle's estate plan. Pl.'s SUMF, ¶ 5; TFLP's Rep. to Pl.s' SUMF, ¶ 5; TFLP's SAMF, ¶¶ 2-3.

In June 2002, Kenneth Tuttle died.¹ Pls.' SUMF, ¶ 6. Paulette Tuttle was appointed as Personal Representative of the Estate on September 10, 2002. TFLP's SAMF, ¶ 15; Pls.' Rep. to TFLP SAMF, ¶ 15. On September 8, 2008, Attorney Susan Hunter replaced Paulette Tuttle as Personal Representative. TFLP SAMF, ¶ 16; Pls.' Rep. to TFLP SAMF, ¶ 16.

Standard of Review

Summary Judgment is appropriate when there exist no genuine issues of material fact and the moving party is entitled to judgment as a matter of law. M.R.Civ.P 56(c). A material fact is one that has "the potential to affect the outcome of the suit." Burzdel v. Sobus, 2000 ME 85, ¶ 6, 750 A.2d 573, 575. A genuine issue of material fact exists "when sufficient evidence requires a fact-finder to choose between competing versions of the truth at trial." Parrish v. Wright, 2003 ME 90, ¶ 8, 828 A.2d 778, 781. Facts are reviewed "in the light most favorable to the nonmoving party." Lightfoot v. Sch. Admin Dist. No. 35, 2003 ME 24, ¶ 6, 816 A.2d 63, 65.

Discussion

1. Limited Partners

The plaintiffs argue they are limited partners in the TFLP. The defendants' support for their assertion that the plaintiffs are not partners is a copy of the first two pages of what may be the original partnership agreement, which does not include plaintiffs in its recitation of limited partners. The plaintiffs challenge the admissibility of this document and argue that it is not properly authenticated.²

¹ The parties agree that this event had the legal effect of dissolving the partnership, despite the fact that the partnership was not actually wound up by the parties at that time.

² Plaintiffs have further argued that the two pages also contain hearsay and violates the best evidence rule, and that even if the document is admissible, it is so incomplete and against the weight of the evidence that it fails to create a genuine issue of fact.

“The requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims.” M.R.Evid. 901(a). The defendants argue that the Agreement can be authenticated because plaintiff Kimberly Gleason testified that she believes the two pages are a copy of part of the original document. TFLP’s SAMF, ¶ 8. The defendants further argue that the Agreement can be authenticated by comparison with other documents. Id., ¶¶ 4-5.

Neither the testimony of plaintiff Kimberly Gleason nor other documents provide the required evidence of authenticity of the documents. The defendants have failed to raise a genuine issue of material fact regarding the plaintiffs’ status as limited partners. The plaintiffs withdrew as limited partners by letter received by Paulette Tuttle on December 22, 2008. Pls.’ SUMF, ¶ 22; TFLP Rep. to Pls.’ SUMF, ¶ 22.

2. Indispensable Party

The defendants argue that the plaintiffs’ brother, Nathan Tuttle, is an indispensable party under M.R.Civ.P. 19. Nathan Tuttle is a limited partner in the TFLP. The defendants argue that dissolution could significantly impact Nathan Tuttle and his position on partnership issue is unclear. The plaintiffs argue that Nathan Tuttle is not liable for partnership debts and is not entitled to participate in management as a limited partner. Because the partnership has already been dissolved, the person who ultimately winds up the partnership’s affairs will be required to make distributions to all limited partners, including Nathan Tuttle, pursuant to 31 M.R.S. § 484³.

³ This is a reference to the Revised Uniform Limited Partnership Act (“the old Act”), which was superseded by the Maine Uniform Limited Partnership Act (“the new Act”). The savings clause of the new Act states that actions commenced prior to the effective date of the new Act will be governed by the old Act. 31 M.R.S. § 1454. Because this action was filed before the effective date of July 1, 2008, the old Act applies to the issues in this case.

In Ocwen Federal Bank, FSB v. Gile, the Law Court held that the bank could not foreclose on a property without joining the town as a party because the town claimed an ownership interest in the property. Ocwen, 2001 ME 120, ¶ 21, 777 A.2d 275, 282. The Court determined that Rule 19(a) serves to protect unjoined but interested parties and active parties. Id. at ¶ 14, 777 A.2d at 280. Distributions to all limited partners will be made pursuant to 31 M.R.S. § 484.⁴ Nathan Tuttle is not a participant in management of the partnership business. 31 M.R.S. § 433. He is not an indispensable party to this lawsuit.

3. Distributions

Section 484 provides that the partnership assets must be distributed first to creditors, second to partners in satisfaction of interim or withdrawal distributions, and finally, unless otherwise provided in the partnership agreement, to partners “(1) [f]or the return of their contributions; and (2) [r]especting their partnership interests, in the proportions in which the partners share in distributions.” 31 M.R.S. § 484. A “distribution” is defined as “the transfer of property by a limited partnership to one or more of its partners in the capacity as a partner.” 31 M.R.S. § 402(3). The plaintiffs argue they are each entitled to 25% based on the fact that the partnership’s records allocated 25% of the profits and losses to each of the three children.

The defendants argue that plaintiffs are not entitled to any distributions because they never contributed anything of value to the partnership. 31 M.R.S. § 484(C)(1). Although the original agreement is not in the record, the business records of the

⁴ Nathan Tuttle has had notice of this proceeding and has not attempted to intervene in this action. The companion case in the Superior Court is an action to recover money lent to the TFLP by Kenneth Tuttle Antiques, Inc.. In the amended complaint, Nathan Tuttle is alleged to be the sole shareholder of Kenneth Tuttle Antiques, Inc. and a limited partner in the TFLP along with Kimberley Gleason and Anthony Tuttle. Kenneth E. Tuttle Antiques, Inc. v. The Tuttle Family Limited Partnership, et al., CV-09-74, Amended Complaint, ¶¶ 2, 20.

partnership indicate that each of the plaintiffs owns 25% of the partnership and the profit and loss distributions were allocated 25% to each plaintiff. TFLP SAMF, ¶ 10; Pls.' Rep. to TFLP SAMF, ¶ 10. 31 M.R.S. § 484(C)(2). Further, although there may not have been an established formula for the distributions, there is no issue of fact on this record that distributions were made. TFLP's SAMF, ¶¶ 10, 17; Pls.' Rep. TFLP's SDMF, ¶¶ 10, 17.

4. Wind Up/Removal

The plaintiffs argue they should be permitted to conduct the wind up of TFLP. Section 483(1) provides: “[u]nless otherwise provided in the partnership agreement, the general partners . . . or, if none, the limited partners . . . may wind up the limited partnership’s affairs[.]” 31 M.R.S. § 483(1). The sole general partner, Kenneth Tuttle, is deceased.

The defendants argue that because Paulette Tuttle was the personal representative of Kenneth Tuttle until late December 2008 and Attorney Susan Hunter has continued to serve as personal representative to date, Paulette Tuttle and Susan Hunter the right to wind up the partnership. Section 475 provides that an administrator or legal representative of a deceased partner’s estate may exercise all rights of the general partner “for the purpose of settling the partner’s estate or administering the partner’s property.” 31 M.R.S. § 475.

Section 483 specifically provides that in the absence of a general partner,⁵ the limited partners may wind up the limited partnership's affairs. Section 483 makes no special provision for a successor in interest or personal representative; it refers to a

⁵ A “limited partnership” is required to have one or more general partners and one or more limited partners. 31 M.R.S. 402(8).

“general partner.” Section 475 addresses settling the partner's estate or administering his property.

On this record, there is agreement that the plaintiffs withdrew from the TFLP by letter to Paulette Tuttle on December 22, 2008. 31 M.R.S. § 483(1); as of September Pls.' SUMF, ¶ 22; TFLP's Rep. to Pls.' SUMF, ¶ 22; Personal Representative's Rep. to Pls.' SUMF, ¶ 22.

The entry is

The Plaintiffs' Motion for Summary Judgment is GRANTED in part and DENIED in part. Judgment is entered in favor of the Plaintiffs Kimberly Gleason and Anthony Tuttle and against the Defendants Tuttle Family Limited Partnership and Paulette Tuttle on Counts III and VII as follows: (1) the Tuttle Family Limited Partnership is Dissolved as of September 3, 2008; (2) Defendant Paulette Tuttle is Removed as General Partner of the Tuttle Family Limited Partnership; and (3) the Plaintiffs have withdrawn as Limited Partners of the Tuttle Family Limited Partnership.

The Plaintiffs' Requests that they wind up the Tuttle Family Limited Partnership's Affairs is DENIED.

By agreement of the parties, the status quo of the Tuttle Family Limited Partnership will be maintained until further order of court.

If the parties cannot agree on a liquidating trustee, each party will file by November 5, 2009 the name of a proposed trustee and a brief argument in support of the proposed trustee.

Date: October 15, 2009


Nancy Mills
Justice, Superior Court

KIMBERLY TUTTLE GLEASON - PLAINTIFF

Attorney for: KIMBERLY TUTTLE GLEASON
JONATHAN B HUNTINGTON - RETAINED 05/07/2008
EATON PEABODY ET AL PA
77 SEWALL STREET
SUITE 3000
AUGUSTA ME 04330

SUPERIOR COURT

KENNEBEC, ss.

Docket No AUGSC-CV-2008-00159

DOCKET RECORD

ANTHONY TUTTLE - PLAINTIFF

Attorney for: ANTHONY TUTTLE
JONATHAN B HUNTINGTON - RETAINED 05/07/2008
EATON PEABODY ET AL PA
77 SEWALL STREET
SUITE 3000
AUGUSTA ME 04330

vs

PAULETTE A TUTTLE - DEFENDANT

1090 SCHOOL STREET,
PITTSTON ME 04345

Attorney for: PAULETTE A TUTTLE
MARK SUSI - WITHDRAWN 07/02/2008
LAW OFFICE OF MARK SUSI
193 WATER STREET
HALLOWELL ME 04347

Attorney for: PAULETTE A TUTTLE

DAVID LIPMAN - RETAINED
LIPMAN & KATZ & MCKEE, PA
227 WATER STREET
PO BOX 1051
AUGUSTA ME 04332-1051

TUTHILL FAMILY LIMITED PARTNERSHIP - DEFENDANT

1090 SCHOOL STREET,
PITTSTON ME 04345

Attorney for: TUTHILL FAMILY LIMITED PARTNERSHIP
MARK SUSI - WITHDRAWN 07/02/2008
LAW OFFICE OF MARK SUSI
193 WATER STREET
HALLOWELL ME 04347

Attorney for: TUTHILL FAMILY LIMITED PARTNERSHIP

MICHAEL HODGINS - RETAINED
BERNSTEIN SHUR SAWYER & NELSON
146 CAPITOL ST
PO BOX 5057
AUGUSTA ME 04332-5057

SUSAN E HUNTER (PR OF ESTATE) - PARTIES IN INTEREST

Attorney for: SUSAN E HUNTER (PR OF ESTATE)
ROBERT MITTEL - RETAINED

MITTEL ASEN LLC
85 EXCHANGE ST, FLOOR 4
PO BOX 427
PORTLAND ME 04112-0427

Filing Document: COMPLAINT Minor Case Type: OTHER STATUTORY ACTIONS
Filing Date: 05/07/2008

Docket Events:

05/08/2008 FILING DOCUMENT - COMPLAINT FILED ON 05/07/2008

05/08/2008 Party(s): KIMBERLY TUTTLE GLEASON
ATTORNEY - RETAINED ENTERED ON 05/07/2008
Plaintiff's Attorney: JONATHAN B HUNTINGTON

05/08/2008 Party(s): ANTHONY TUTTLE
ATTORNEY - RETAINED ENTERED ON 05/07/2008
Plaintiff's Attorney: JONATHAN B HUNTINGTON

05/08/2008 CERTIFY/NOTIFICATION - CASE FILE NOTICE SENT ON 05/07/2008

05/08/2008 Party(s): TUTHILL FAMILY LIMITED PARTNERSHIP
SUMMONS/SERVICE - CIVIL SUMMONS SERVED ON 04/22/2008
SERVED ON NATHAN TUTTLE FOR NUTHILL FAMILY LTD PARTNERSHIP

05/08/2008 Party(s): PAULETTE A TUTTLE
SUMMONS/SERVICE - CIVIL SUMMONS SERVED ON 04/23/2008
SERVED ON PAULETTE TUTTLE

05/08/2008 Party(s): PAULETTE A TUTTLE, TUTHILL FAMILY LIMITED PARTNERSHIP
RESPONSIVE PLEADING - ANSWER FILED ON 05/05/2008
Defendant's Attorney: MARK SUSI

05/08/2008 Party(s): PAULETTE A TUTTLE
ATTORNEY - RETAINED ENTERED ON 05/05/2008
Defendant's Attorney: MARK SUSI

Party(s): TUTHILL FAMILY LIMITED PARTNERSHIP
ATTORNEY - RETAINED ENTERED ON 05/05/2008
Defendant's Attorney: MARK SUSI

05/13/2008 ORDER - SCHEDULING ORDER ENTERED ON 05/12/2008
NANCY MILLS , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPY TO ATTYS
HUNTINGTON AND SUSI

05/13/2008 DISCOVERY FILING - DISCOVERY DEADLINE ENTERED ON 01/01/2009

05/13/2008 ASSIGNMENT - SINGLE JUDGE/JUSTICE ASSIGNED TO JUSTICE ON 05/12/2008
NANCY MILLS , JUSTICE

06/12/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE

MOTION - OTHER MOTION FILED ON 06/09/2008
Plaintiff's Attorney: JONATHAN B HUNTINGTON
MOTION TO DISQUALIFY COUNSEL FOR DEFENDANTS W/ INCORPORATED MEMORANDUM OF LAW, AFFIDAVIT
OF KIMBERLY TUTTLE GLEASON, REQUEST FOR HEARING, PROPOSED ORDER.

06/18/2008 Party(s): KIMBERLY TUTTLE GLEASON
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 06/18/2008
Plaintiff's Attorney: ERIC HERLAN
NOTICE OF DEPOSITION OF PAULETTE TUTTLE AND TUTHILL FAMILY LIMITED PARTNERSHIP SERVED ON
MARK SUSI, ESQ. ON 6/17/08.

06/26/2008 Party(s): PAULETTE A TUTTLE, TUTHILL FAMILY LIMITED PARTNERSHIP
MOTION - MOTION FOR WITHDRAWAL OF CNSL FILED ON 06/26/2008
Defendant's Attorney: MARK SUSI
MOTION FOR LEAVE TO WITHDRAW AS COUNSEL. PROPOSED ORDER.

06/26/2008 Party(s): PAULETTE A TUTTLE, TUTHILL FAMILY LIMITED PARTNERSHIP
MOTION - MOTION TO CONTINUE FILED ON 06/26/2008
Defendant's Attorney: MARK SUSI

06/27/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
OTHER FILING - OPPOSING MEMORANDUM FILED ON 06/27/2008
Plaintiff's Attorney: JONATHAN B HUNTINGTON
PLTFS' MEMORANDUM OF LAW IN OPPOSITION TO DEFTS' MOTION TO CONTINUE AND IN PARTIAL
OPPOSITION TO MOTION FOR LEAVE TO WITHDRAW. ATTACHMENTS.

06/27/2008 Party(s): PAULETTE A TUTTLE, TUTHILL FAMILY LIMITED PARTNERSHIP
OTHER FILING - REPLY MEMORANDUM FILED ON 06/27/2008
Defendant's Attorney: MARK SUSI
DEFTS' RESPONSE TO PLTFS' MEMORANDUM OF LAW IN OPPOSITION TO DEFTS' MOTION TO CONTINUE.
ATTACHMENTS.

07/07/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
MOTION - OTHER MOTION MOOT ON 07/02/2008
NANCY MILLS , JUSTICE
MOTION TO DISQUALIFY COUNSEL FOR DEFENDANTS W/ INCORPORATED MEMORANDUM OF LAW, AFFIDAVIT
OF KIMBERLY TUTTLE GLEASON, REQUEST FOR HEARING, PROPOSED ORDER.

07/07/2008 Party(s): PAULETTE A TUTTLE, TUTHILL FAMILY LIMITED PARTNERSHIP
MOTION - MOTION FOR WITHDRAWAL OF CNSL GRANTED ON 07/02/2008
NANCY MILLS , JUSTICE
COPIES TO PARTIES/COUNSEL

07/07/2008 Party(s): PAULETTE A TUTTLE
ATTORNEY - WITHDRAWN ORDERED ON 07/02/2008
Defendant's Attorney: MARK SUSI

07/07/2008 Party(s): TUTHILL FAMILY LIMITED PARTNERSHIP
ATTORNEY - WITHDRAWN ORDERED ON 07/02/2008
Defendant's Attorney: MARK SUSI

07/09/2008 Party(s): PAULETTE A TUTTLE, TUTHILL FAMILY LIMITED PARTNERSHIP
MOTION - MOTION TO CONTINUE MOOT ON 07/08/2008

NANCY MILLS , JUSTICE
DEPOSITIONS WERE SCHEDULED FOR 6/30

- 07/10/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
MOTION - MOTION TO AMEND PLEADING FILED ON 06/30/2008
Plaintiff's Attorney: JONATHAN B HUNTINGTON
PLTFS' MOTION FOR LEAVE TO AMEND COMPLAINT. EXHIBIT A. PROPOSED ORDER.
- 07/14/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
ADR - NOTICE OF ADR PROCESS/NEUTRAL FILED ON 07/11/2008
Plaintiff's Attorney: JONATHAN B HUNTINGTON
MEDIATION WITH JAMES BOWIE, ESQ. ON 08/12/08 (TENTATIVE) 8/14/08 -
SCHEDULED FOR 09/16/08
- 07/15/2008 Party(s): PAULETTE A TUTTLE
LETTER - FROM PARTY FILED ON 07/11/2008
Defendant's Attorney: DAVID LIPMAN
ENTERING APPEARANCE FOR DEFT PAULETTE A. TUTTLE
- 07/15/2008 Party(s): PAULETTE A TUTTLE
ATTORNEY - RETAINED ENTERED ON 07/11/2008
Defendant's Attorney: DAVID LIPMAN
- 07/15/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 07/14/2008
Plaintiff's Attorney: JONATHAN B HUNTINGTON
FIRST AMENDED NOTICE OF DEPOSITION OF PAULETTE TUTTLE, SERVED ON D. LIPMAN, ESQ. ON
07/1/08.
- 07/23/2008 Party(s): PAULETTE A TUTTLE
OTHER FILING - OPPOSING MEMORANDUM FILED ON 07/21/2008
Defendant's Attorney: DAVID LIPMAN
OBJECTION TO MOTION TO AMEND. EXHIBIT A.
- 07/23/2008 Party(s): PAULETTE A TUTTLE
MOTION - MOTION TO DISMISS FILED ON 07/21/2008
Defendant's Attorney: DAVID LIPMAN
MOTION TO DISMISS AND/OR STAY, EXHIBIT A. PROPOSED ORDER.
- 07/23/2008 Party(s): PAULETTE A TUTTLE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 07/21/2008
Defendant's Attorney: DAVID LIPMAN
OBJECTION TO DEPOSITION OF PAULETTE TUTTLE, SERVED ON J. HUNTINGTON, ESQ. ON 07/17/08.
- 08/05/2008 Party(s): TUTHILL FAMILY LIMITED PARTNERSHIP
OTHER FILING - ENTRY OF APPEARANCE FILED ON 07/28/2008
Defendant's Attorney: MICHAEL HODGINS
- 08/05/2008 Party(s): TUTHILL FAMILY LIMITED PARTNERSHIP
ATTORNEY - RETAINED ENTERED ON 07/28/2008
Defendant's Attorney: MICHAEL HODGINS
- 08/14/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE

OTHER FILING - OPPOSING MEMORANDUM FILED ON 08/06/2008
Plaintiff's Attorney: JONATHAN B HUNTINGTON
PLTF'S MEMORANDUM OF LAW OPPOSING DEFT PAULETTE TUTTLE'S MOTION TO DISMISS AND/OR STAY

08/14/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
OTHER FILING - AFFIDAVIT FILED ON 08/06/2008
Plaintiff's Attorney: JONATHAN B HUNTINGTON
AFFIDAVIT OF KIMBERLY TUTTLE GLEASON

08/14/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
OTHER FILING - AFFIDAVIT FILED ON 08/06/2008
Plaintiff's Attorney: JONATHAN B HUNTINGTON
AFFIDAVIT OF ANTHONY TUTTLE

08/14/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
MOTION - MOTION FOR ENLARGEMENT OF TIME FILED ON 08/06/2008
Plaintiff's Attorney: JONATHAN B HUNTINGTON
TO DESIGNATE EXPERT WITNESSES

08/18/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
MOTION - MOTION FOR ENLARGEMENT OF TIME GRANTED ON 08/15/2008
NANCY MILLS , JUSTICE
COPIES TO PARTIES/COUNSEL
IT IS HEREBY
ORDERED THAT THE EXPERT WITNESS DESIGNATION DEADLINES IN THE PRETRIAL SCHEDULING ORDER ARE
HEREBY EXTENDED BY 60 DAYS. THE NEW DEADLINES ARE AS FOLLOWS: FOR PLAINTIFFS, OCTOBER
11, 2008 FOR DEFENDANTS, DECEMBER 10, 2008. SO ORDERED. NO OBJECTION.

08/18/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
MOTION - MOTION TO AMEND PLEADING GRANTED ON 08/15/2008
NANCY MILLS , JUSTICE
COPIES TO PARTIES/COUNSEL
AND THE
PLAINTIFFS ARE ORDERED TO FILE AN AMENDED COMPLAINT WITHIN 14 DAYS OF THE DATE OF THIS
ORDER. THE DEFENDANTS MAY FILE A RESPONSIVE PLEADING WITHIN 14 DAYS OF RECEIPT OF THE
AMENDED COMPLAINT. THE SCHEDULING ORDER WILL BE REVISED.

08/19/2008 Party(s): PAULETTE A TUTTLE
OTHER FILING - REPLY MEMORANDUM FILED ON 08/13/2008
Defendant's Attorney: DAVID LIPMAN
RELATING TO DEFT PAULETTE TUTTLE'S MOTION TO DISMISS AND/OR STAY

08/20/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 08/14/2008
Plaintiff's Attorney: JONATHAN B HUNTINGTON
NOTICE OF DEPOSITION OF PAULETTE TUTTLE, SERVED ON D. LIPMAN, ESQ. AND M. HODGINS, ESQ. ON
08/13/08

08/20/2008 Party(s): PAULETTE A TUTTLE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 08/13/2008
Defendant's Attorney: DAVID LIPMAN
NOTICE TO TAKE ORAL DEPOSITIONS OF KIMBERLY TUTTLE GLEASON AND ANTHONY TUTTLE, SERVED ON
J. HUNTINGTON, ESQ. ON 08/11/08

08/20/2008 Party(s): PAULETTE A TUTTLE

DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 08/13/2008
Defendant's Attorney: DAVID LIPMAN
RULE 34 REQUESTS TO KIMBERLY TUTTLE GLEASON AND ANTHONY TUTTLE, SERVED ON J. HUNTINGTON,
ESQ. ON 08/11/08

08/25/2008 Party(s): PAULETTE A TUTTLE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 08/25/2008
Defendant's Attorney: DAVID LIPMAN
REQUEST TO ADMIT TO KIMBERLY TUTTLE GLEASON AND REQUEST TO ADMIT TO ANTHONY TUTTLE SERVED
ON ATTY HUNTINGTON ON 8/21/08.

09/03/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
SUPPLEMENTAL FILING - AMENDED COMPLAINT FILED ON 08/27/2008
Plaintiff's Attorney: JONATHAN B HUNTINGTON
FIRST AMENDED COMPLAINT, W/ EXHIBITS C1 AND C2

09/03/2008 Party(s): PAULETTE A TUTTLE
RESPONSIVE PLEADING - ANSWER TO AMENDED PLEADING FILED ON 08/28/2008
Defendant's Attorney: DAVID LIPMAN
ANSWER OF PAULETTE A. TUTTLE

09/03/2008 Party(s): TUTHILL FAMILY LIMITED PARTNERSHIP
RESPONSIVE PLEADING - ANSWER TO AMENDED PLEADING FILED ON 09/02/2008
Defendant's Attorney: MICHAEL HODGINS
ANSWER OF TUTHILL FAMILY LTD PARTNERSHIP TO PLTF'S 1ST AMENDED COMPLAINT

09/11/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 09/10/2008
Plaintiff's Attorney: JONATHAN B HUNTINGTON
NOTICE OF DEPOSITION OF PAULETTE TUTTLE, SERVED ON D. LIPMAN, ESQ. AND M. HODGINS, ESQ. ON
09/09/08.

09/11/2008 Party(s): PAULETTE A TUTTLE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 09/10/2008
Defendant's Attorney: DAVID LIPMAN
AMENDED NOTICE TO TAKE ORAL DEPOSITION OF KIMBERLY TUTTLE GLEASON AND ANTHONY TUTTLE,
SERVED ON J. HUNTINGTON, ESQ. ON 09/09/08.

09/16/2008 Party(s): PAULETTE A TUTTLE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 09/16/2008
Defendant's Attorney: DAVID LIPMAN
OBJECTION TO DOCUMENT REQUEST ACCOMPANYING DEPOSITION NOTICE, SERVED ON J. HUNTINGTON,
ESQ. ON 09/15/08.

09/16/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 09/16/2008
Plaintiff's Attorney: JONATHAN B HUNTINGTON
PLTF K. GLEASON'S AND PLTF A. TUTTLE'S RESPONSES TO DEFT'S REQUEST FOR PRODUCTION OF
DOCUMENTS, SERVED ON D. LIPMAN, ESQ. AND M. HODGINS, ESQ. ON 09/15/08.

09/18/2008 ORDER - REPORT OF ADR CONF/ORDER FILED ON 09/18/2008
Plaintiff's Attorney: JONATHAN B HUNTINGTON

09/18/2008 ORDER - REPORT OF ADR CONF/ORDER UNRESOLVED ON 09/18/2008

09/19/2008 HEARING - 26(G) CONFERENCE SCHEDULED FOR 09/24/2008 @ 7:30
NOTICE TO COUNSEL BY MR. HUNTINGTON

09/23/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
DISCOVERY FILING - RULE 26(G) LETTER FILED ON 09/22/2008
Plaintiff's Attorney: JONATHAN B HUNTINGTON
OBJECTION TO DOCUMENT REQUEST PURSUANT TO DEPOSITION OF PAULETTE TUTTLE

09/23/2008 Party(s): PAULETTE A TUTTLE
MOTION - MOTION TO DISMISS DENIED ON 09/18/2008
NANCY MILLS , JUSTICE
COPY TO ATTYS HUNTINGTON, HODGINS, LIPMAN

09/25/2008 HEARING - 26(G) CONFERENCE NOT HELD ON 09/24/2008
CANCELLED BY AGREEMENT OF PARTIES

09/25/2008 ORDER - REPORT OF ADR CONF/ORDER ENTERED ON 09/23/2008
NANCY MILLS , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPY TO ATTYS
HUNTINGTON, HODGINS, LIPMAN

09/26/2008 Party(s): PAULETTE A TUTTLE
OTHER FILING - OTHER DOCUMENT FILED ON 09/25/2008
Defendant's Attorney: KEITH R VARNER
OBJECTION OF LIPMAN, KATZ & MCKEE, P.A. TO SUBPOENA DATED SEPTEMBER 11, 2008

09/29/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 09/26/2008
Plaintiff's Attorney: JONATHAN B HUNTINGTON
PLTF K. GLEASON'S RESPONSE TO DEFT'S REQUEST FOR ADMISSIONS; PLTF A. TUTTLE'S RESPONSE TO
DEFT'S REQUEST FOR ADMISSIONS, SERVED ON D. LIPMAN, ESQ. AND M. HODGINS, ESQ. ON 09/24/08.

09/30/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 09/29/2008
Plaintiff's Attorney: JONATHAN B HUNTINGTON

10/01/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 09/29/2008
Plaintiff's Attorney: JONATHAN B HUNTINGTON
PLAINTIFFS' REQUEST FOR ENTRY UPON LAND PROPOUNDED TO DEFENDANT PAULETTE TUTTLE;
PLAINTIFF'S REQUEST FOR ENTRY UPON LAND PROPOUNDED TO DEFENDANT TUTHILL FAMILY LIMITED
PARTNERSHIP; PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS PROPOUNDED TO DEFENDANT
TUTHILL FAMILY LIMITED PARTNERSHIP SERVED ON DAVID M. LIPMAN, ESQ. AND MICHAEL A HODGINS,
ESQ. ON 9/26/08.

10/10/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
MOTION - MOTION EXTEND DISCOVERY FILED ON 10/08/2008
Plaintiff's Attorney: JONATHAN B HUNTINGTON
CONSENT MOTION FOR ENLARGEMENT OF TIME TO DESIGNATE EXPERT WITNESSES AND COMPLETE
DISCOVERY, PROPOSED ORDER, REQUEST FOR HEARING

- 10/16/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
MOTION - MOTION EXTEND DISCOVERY GRANTED ON 10/16/2008
NANCY MILLS , JUSTICE
COPY TO ATTYS HUNTINGTON, HODGINS, LIPMAN
NEW DEADLINES:
EXPERT DESIGNATIONS BY PLTFs, 12/12/08; EXPERT DESIGNATIONS BY DEFTs, 02/11/08; DISCOVERY,
03/13/09
- 10/16/2008 DISCOVERY FILING - DISCOVERY DEADLINE ENTERED ON 03/13/2009
- 10/21/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 10/20/2008
Plaintiff's Attorney: JONATHAN B HUNTINGTON
PLTF KIMBERLY GLEASON'S SUPPLEMENTAL RESPONSE TO DEFT'S REQUEST FOR PRODUCTION OF
DOCUMENTS; PLTF ANTHONY TUTTLE'S SUPPLEMENTAL RESPONSE TO DEFT'S REQUEST FOR PRODUCTION OF
DOCUMENTS, SERVED ON D. LIPMAN, ESQ. AND M. HODGINS, ESQ. ON 10/17/08.
- 10/28/2008 Party(s): TUTHILL FAMILY LIMITED PARTNERSHIP
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 10/28/2008
Defendant's Attorney: MICHAEL HODGINS
RESPONSE TO PLTFs' REQUEST FOR ENTRY UPON LAND; RESPONSE TO PLTFs' REQUEST FOR PRODUCTION
OF DOCUMENTS, SERVED ON J. HUNTINGTON, ESQ. ON 10/27/08.
- 10/28/2008 Party(s): PAULETTE A TUTTLE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 10/28/2008
Defendant's Attorney: DAVID LIPMAN
DEFT P. TUTTLE'S OBJECTIONS AND RESPONSES TO REQUEST FOR PRODUCTION, SERVED ON J.
HUNTINGTON, ESQ. ON 10/27/08.
- 12/19/2008 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 12/15/2008
Plaintiff's Attorney: JONATHAN B HUNTINGTON
PLTFs' DESIGNATION OF EXPERT WITNESS, SERVED ON D. LIPMAN, ESQ. AND M. HODGINS, ESQ. ON
12/12/08.
- 03/12/2009 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
DISCOVERY FILING - RULE 26(G) LETTER FILED ON 03/09/2009
Plaintiff's Attorney: JONATHAN B HUNTINGTON
W/ ATTACHMENTS
- 03/19/2009 Party(s): PAULETTE A TUTTLE
MOTION - OTHER MOTION FILED ON 03/19/2009
Defendant's Attorney: DAVID LIPMAN
UNOPPOSED MOTION TO ADD THE PERSONAL REPRESENTATIVE OF THE ESTATE OF KENNETH E. TUTTLE AS
A PARTY IN INTEREST, W/ INCLUDED MEMORANDUM OF LAW, PROPOSED ORDER.
- 03/20/2009 HEARING - 26(G) CONFERENCE SCHEDULED FOR 03/25/2009 @ 7:30 in Room No. 1
PHONE CONFERENCE
- 03/24/2009 Party(s): PAULETTE A TUTTLE
MOTION - OTHER MOTION GRANTED ON 03/24/2009
NANCY MILLS , JUSTICE
UNOPPOSED MOTION TO ADD THE PERSONAL REPRESENTATIVE OF THE ESTATE OF KENNETH E. TUTTLE AS
A PARTY IN INTEREST
COPY TO ATTYS HUNTINGTON,

HODGINS, LIPMAN

- 03/25/2009 HEARING - 26(G) CONFERENCE HELD ON 03/25/2009
NANCY MILLS , JUSTICE
Defendant's Attorney: DAVID LIPMAN
Plaintiff's Attorney: JONATHAN B HUNTINGTON
ALSO: JAMES BELLEAU, ESQ., MICHAEL HODGINS, ESQ., ROBERT MITTLE, ESQ. ATTY BELLEAU
WILL PRODUCE TO THE COURT E-MAILS #1-3. ATTY BELLEAU AND ATTY HUNTINGTON WILL FILE
LETTERS AND WILL OUTLINE THEIR POSITIONS REGARDING RELEVANCE AND ADMISSIBILITY IN GENERAL.
COUNSEL WILL CONSIDER CONSOLIDATION OF THREE PENDING RELATED ACTIONS OR APPLICATION TO
BUSINESS COURT. COPY TO ALL ATTORNEYS.
- 03/26/2009 Party(s): TUTHILL FAMILY LIMITED PARTNERSHIP
OTHER FILING - WITNESS & EXHIBIT LIST FILED ON 03/25/2009
Defendant's Attorney: MICHAEL HODGINS
- 04/08/2009 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
LETTER - FROM PARTY FILED ON 03/27/2009
Plaintiff's Attorney: JONATHAN B HUNTINGTON
RE: IN CAMERA REVIEW
- 04/08/2009 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
OTHER FILING - WITNESS & EXHIBIT LIST FILED ON 03/31/2009
Plaintiff's Attorney: JONATHAN B HUNTINGTON
- 04/08/2009 OTHER FILING - STATEMENT OF TIME FOR TRIAL FILED ON 03/31/2009
Plaintiff's Attorney: JONATHAN B HUNTINGTON
3 DAYS
- 04/09/2009 Party(s): PAULETTE A TUTTLE
OTHER FILING - WITNESS & EXHIBIT LIST FILED ON 04/02/2009
Defendant's Attorney: DAVID LIPMAN
- 04/09/2009 Party(s): KIMBERLY TUTTLE GLEASON, PAULETTE A TUTTLE, TUTHILL FAMILY LIMITED PARTNERSHIP
OTHER FILING - STIPULATION FILED ON 04/02/2009
Defendant's Attorney: MICHAEL HODGINS
Plaintiff's Attorney: JONATHAN B HUNTINGTON
S/LIPMAN, ESQ. STIPULATION OF FACT BY PARTIES
- 04/09/2009 Party(s): SUSAN E HUNTER (PR OF ESTATE)
MOTION - MOTION STAY OF PROCEEDINGS FILED ON 04/06/2009
Defendant's Attorney: ROBERT MITTEL
MOTION TO STAY OF THE PERSONAL REPRESENTATIVE
- 04/10/2009 Party(s): SUSAN E HUNTER (PR OF ESTATE)
MOTION - MOTION STAY OF PROCEEDINGS GRANTED ON 04/10/2009
NANCY MILLS , JUSTICE
1. ACTION STAYED FOR 90 DAYS. 2. ALL DEADLINES IN SCHEDULING ORDER WHICH HAVE NOT
ALREADY RUN ARE EXTENDED FOR 90 DAYS. 3. GRANTING OF THE MOTION NOT A DECISION ON ANY
ISSUE IN THIS PROCEEDING. COPY TO ATTYS HUNTINGTON, HODGINS,
LIPMAN, MITTEL
- 04/10/2009 Party(s): SUSAN E HUNTER (PR OF ESTATE)

ATTORNEY - RETAINED ENTERED ON 04/06/2009
Attorney: ROBERT MITTEL

04/10/2009 NOTE - OTHER CASE NOTE ENTERED ON 04/10/2009
PER ORDER DATED 4/10/09, CASE STAYED FOR 90 DAYS.

04/13/2009 LETTER - FROM NON-PARTY FILED ON 03/26/2009
S/JAMES E. BELLEAU, ESQ, ATTY FOR NATHAN TUTTLE & TUTTLE ANTIQUES (CONFIDENTIAL
FOR IN CAMERA REVIEW)

04/22/2009 ORDER - COURT ORDER ENTERED ON 04/17/2009
NANCY MILLS , JUSTICE
THE DOCUMENTS SUBMITTED BY COUNSEL FOR NATHAN TUTTLE FOR IN CAMERA REVIEW WILL NOT BE
PRODUCED TO PLAINTIFFS' COUNSEL. COPY TO ATTYS HODGINS,
HUNTINGTON, MITTEL, LIPMAN, BELLEAU

06/30/2009 ORDER - FAIL FILE STATEMENT OF COUNSEL ENTERED ON 06/30/2009
NANCY MILLS , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. ORDER FOR
FAILURE TO FILE STATEMENT OF COUNSEL ENTERED. SANCTIONS IMPOSED. (\$75)
COPY TO ATTYS HUNTINGTON, LIPMAN,
HODGINS, MITTELL

07/03/2009 TRIAL - TRAILING LIST SCHEDULED FOR 07/03/2009
AUGUST 6 TO SEPTEMBER 1, 2009

07/08/2009 Party(s): SUSAN E HUNTER (PR OF ESTATE)
LETTER - FROM PARTY FILED ON 07/06/2009
Defendant's Attorney: ROBERT MITTEL
RE: ORDER IMPOSING SANCTIONS FOR FAILURE TO FILE

07/10/2009 ORDER - FAIL FILE STATEMENT OF COUNSEL VACATED ON 07/09/2009
NANCY MILLS , JUSTICE
COPY TO ATTYS HUNTINGTON, HODGINS, LIPMAN, MITTELL

07/14/2009 ORDER - FINAL PRETRIAL ORDER ENTERED ON 07/07/2009
NANCY MILLS , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPY TO ATTYS
HUNTINGTON, HODGINS, LIPMAN, MITTEL

07/21/2009 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
MOTION - MOTION PARTIAL SUMMARY JUDG FILED WITH AFFIDAVIT ON 07/13/2009
Plaintiff's Attorney: JONATHAN B HUNTINGTON
W/ MEMORANDUM OF LAW, STATEMENT OF MATERIAL FACTS & ATTACHMENTS, AFFIDAVIT OF ANTHONY
TUTTLE (COPY), AFFIDAVIT OF KIMBERLY TUTTLE GLEASON 6/6/08 (COPY), AFFIDAVIT OF KIMBERLY
TUTTLE GLEASON 8/4/08 (COPY), AFFIDAVIT OF JONATHAN B. HUNTINGTON & EXHIBITS, PROPOSED
ORDER, REQUEST FOR HEARING.

07/21/2009 OTHER FILING - TRANSCRIPT FILED ON 07/13/2009
Plaintiff's Attorney: JONATHAN B HUNTINGTON
DEPOSITION OF PAULETTE A. TUTTLE - 9/30/08, 11/6/08, 12/2/08, AND DEPOSITION EXHIBITS 1-
74.

07/21/2009 OTHER FILING - TRANSCRIPT FILED ON 07/13/2009
Plaintiff's Attorney: JONATHAN B HUNTINGTON
DEPOSITION OF KIMBERLY TUTTLE GLEASON - 9/30/08 AND 12/2/08 (COPIES)

07/21/2009 OTHER FILING - TRANSCRIPT FILED ON 07/13/2009
Plaintiff's Attorney: JONATHAN B HUNTINGTON
DEPOSITION OF REGINALD PERRY, CPA - 1/29/09 (COPY)

07/30/2009 Party(s): PAULETTE A TUTTLE
OTHER FILING - WITNESS & EXHIBIT LIST FILED ON 07/27/2009
Defendant's Attorney: DAVID LIPMAN
DEFT PAULETTE TUTTLE'S

07/30/2009 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
MOTION - MOTION IN LIMINE FILED ON 07/28/2009
Plaintiff's Attorney: JONATHAN B HUNTINGTON
PLTF'S MOTION IN LIMINE TO EXCLUDE EXPERT WITNESS

07/30/2009 Party(s): TUTHILL FAMILY LIMITED PARTNERSHIP
OTHER FILING - TRIAL BRIEF FILED ON 07/30/2009
Defendant's Attorney: MICHAEL HODGINS
TRIAL BRIEF OF DEFT THE TUTHILL FAMILY LTD PARTNERSHIP

07/30/2009 Party(s): TUTHILL FAMILY LIMITED PARTNERSHIP
OTHER FILING - WITNESS LIST FILED ON 07/30/2009
Defendant's Attorney: MICHAEL HODGINS
OF THE TUTHILL FAMILY LTD PARTNERSHIP

07/30/2009 Party(s): TUTHILL FAMILY LIMITED PARTNERSHIP
OTHER FILING - EXHIBIT LIST FILED ON 07/30/2009
Defendant's Attorney: MICHAEL HODGINS
OF THE TUTHILL FAMILY LTD PARTNERSHIP

08/04/2009 Party(s): TUTHILL FAMILY LIMITED PARTNERSHIP
OTHER FILING - OPPOSING MEMORANDUM FILED ON 07/31/2009
Defendant's Attorney: MICHAEL HODGINS
DEFT TUTHILL FAMILY LTD PARTNERSHIP'S MEMORANDUM IN OPPOSITION TO PLTF'S MOTION FOR
PARTIAL S.J., OPPOSING STATEMENT OF MATERIAL FACTS, AFFIDAVIT OF PAULETTE TUTTLE W/
EXHIBIT A, AFFIDAVIT OF STEPHEN BARNARD, DEPOSITION EXHIBITS GLEASON 1 AND 2.

08/04/2009 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
OTHER FILING - TRIAL BRIEF FILED ON 07/31/2009
Plaintiff's Attorney: JONATHAN B HUNTINGTON
PLTFS'

08/04/2009 Party(s): PAULETTE A TUTTLE
OTHER FILING - OPPOSING MEMORANDUM FILED ON 08/03/2009
Defendant's Attorney: DAVID LIPMAN
DEFT PAULETTE TUTTLE'S MEMORANDUM IN OPPOSITION TO PLTF'S MOTION FOR PARTIAL S.J.,
OPPOSING STATEMENT OF MATERIAL FACTS AND STATEMENT OF ADDITIONAL FACTS

08/04/2009 OTHER FILING - TRANSCRIPT FILED ON 08/03/2009
Defendant's Attorney: DAVID LIPMAN

DEPOSITION OF ANTHONY TUTTLE, 10/1/08.

- 08/05/2009 Party(s): PAULETTE A TUTTLE
LETTER - FROM PARTY FILED ON 08/05/2009
Defendant's Attorney: DAVID LIPMAN
DEFT PAULETTE TUTTLE JOINS AND INCORPORATES TRIAL BRIEF SUBMITTED BY DEFT TUTHILL FAMILY LTD PARTNERSHIP
- 08/05/2009 Party(s): SUSAN E HUNTER (PR OF ESTATE)
OTHER FILING - OPPOSING MEMORANDUM FILED ON 08/05/2009
Defendant's Attorney: ROBERT MITTEL
OPPOSITION OF THE PR TO PLTF'S MOTION FOR S.J., OPPOSITION STATEMENT OF FACTS
- 08/05/2009 Party(s): SUSAN E HUNTER (PR OF ESTATE)
OTHER FILING - WITNESS & EXHIBIT LIST FILED ON 08/05/2009
Defendant's Attorney: ROBERT MITTEL
OF PR
- 08/13/2009 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
OTHER FILING - REPLY MEMORANDUM FILED ON 08/07/2009
Plaintiff's Attorney: JONATHAN B HUNTINGTON
PLTFS' REPLY MEMORANDUM, W/ ATTACHMENTS
- 08/13/2009 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
OTHER FILING - OPPOSING MEMORANDUM FILED ON 08/07/2009
Plaintiff's Attorney: JONATHAN B HUNTINGTON
PLTFS' OBJECTIONS AND REPLY STATEMENT OF MATERIAL FACTS TO THE TUTHILL FAMILY LTD PARTNERSHIP'S OPPOSING STATEMENT OF MATERIAL FACTS AND STATEMENT OF ADDITIONAL MATERIAL FACTS
- 08/13/2009 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
OTHER FILING - REPLY MEMORANDUM FILED ON 08/07/2009
Plaintiff's Attorney: JONATHAN B HUNTINGTON
PLTFS' REPLY STATEMENT OF MATERIAL FACTS TO PAULETTE TUTTLE'S OPPOSING STATEMENT OF MATERIAL FACTS AND STATEMENT OF ADDITIONAL FACTS
- 08/13/2009 Party(s): KIMBERLY TUTTLE GLEASON
OTHER FILING - AFFIDAVIT FILED ON 08/07/2009
Plaintiff's Attorney: JONATHAN B HUNTINGTON
OF KIMBERLY GLEASON
- 08/13/2009 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
OTHER FILING - AFFIDAVIT FILED ON 08/07/2009
Plaintiff's Attorney: JONATHAN B HUNTINGTON
OF JONATHAN B. HUNTINGTON
- 08/13/2009 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
OTHER FILING - OTHER DOCUMENT FILED ON 08/07/2009
Plaintiff's Attorney: JONATHAN B HUNTINGTON
CERTIFIED COPY OF ORDER FROM REGISTRY OF PROBATE DATED 8/5/09.
- 08/13/2009 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
OTHER FILING - OTHER DOCUMENT FILED ON 08/07/2009

Plaintiff's Attorney: JONATHAN B HUNTINGTON
COPY OF ORDER ON MOTION TO INTERVENE OF NATHAN TUTTLE (KENNEBEC COUNTY PROBATE COURT,
DOCKET NO 2002-0538-2)

- 08/18/2009 Party(s): PAULETTE A TUTTLE
OTHER FILING - OPPOSING MEMORANDUM FILED ON 08/13/2009
Defendant's Attorney: DAVID LIPMAN
DEFT PAULETTE TUTTLE'S OBJECTION TO PLTFS' MOTION IN LIMINE TO EXCLUDE DAN DWYER AS AN
EXPERT WITNESS
- 08/18/2009 Party(s): TUTHILL FAMILY LIMITED PARTNERSHIP
OTHER FILING - REPLY MEMORANDUM FILED ON 08/14/2009
Defendant's Attorney: MICHAEL HODGINS
DEFT TUTHILL FAMILY LTD PARTNERSHIP'S RESPONSE TO THE OBJECTIONS IN PLTFS' REPLY STATEMENT
OF MATERIAL FACTS
- 08/18/2009 Party(s): PAULETTE A TUTTLE
OTHER FILING - REPLY MEMORANDUM FILED ON 08/14/2009
Defendant's Attorney: DAVID LIPMAN
REPLY OF DEFT PAULETTE TUTTLE TO PLTFS' REPLY STATEMENT OF MATERIAL FACTS TO P. TUTTLE'S
OPPOSING STATEMENT OF MATERIAL FACTS
- 08/18/2009 Party(s): SUSAN E HUNTER (PR OF ESTATE)
LETTER - FROM PARTY FILED ON 08/18/2009
COPY OF LETTER FROM ATTY MITTEL TO HON. JAMES E. MITCHELL INDICATING NOT ALL COUNSEL
DESIRE TO PARTICIPATE IN THE JOINT CONFERENCE PROPOSED AND THAT THERE WILL NOT BE A JOINT
CONFERENCE WITH THE SUPERIOR COURT AND ALL COUNSEL.
- 09/04/2009 TRIAL - TRAILING LIST CONTINUED ON 09/04/2009
- 09/04/2009 TRIAL - TRAILING LIST SCHEDULED FOR 10/06/2009
TRIAL LIST 10/6 TO 10/30/09.
- 10/07/2009 HEARING - SETTLEMENT CONFERENCE SCHEDULED FOR 10/29/2009 @ 9:00
NOTICE TO PARTIES/COUNSEL
- 10/07/2009 HEARING - SETTLEMENT CONFERENCE SCHEDULE OTHER COURT ON 10/29/2009 @ 9:00
CARL O BRADFORD , JUSTICE
PORSC
- 10/15/2009 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
MOTION - MOTION PARTIAL SUMMARY JUDG GRANTED ON 10/15/2009
NANCY MILLS , JUSTICE
SEE NOTES IN JUDGMENT
- 10/15/2009 Party(s): KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE
MOTION - MOTION PARTIAL SUMMARY JUDG DENIED ON 10/15/2009
NANCY MILLS , JUSTICE
SEE NOTES IN JUDGMENT
- 10/15/2009 FINDING - JUDGMENT DETERMINATION ENTERED ON 10/15/2009
NANCY MILLS , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPY TO ATTYS

HODGINS, HUNTINGTON, LIPMAN, MITTEL

ORDER - PARTIAL SUMMARY JUDGMENT ENTERED ON 10/15/2009
NANCY MILLS , JUSTICE

ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPY TO ATTYS
HODGINS, HUNTINGTON, LIPMAN, MITTEL

Judgment entered for KIMBERLY TUTTLE GLEASON, ANTHONY TUTTLE and against PAULETTE A TUTTLE, TUTHILL FAMILY LIMITED PARTNERSHIP. THE PLTFS' MOTION FOR SUMMARY JUDGMENT IS GRANTED IN PART AND DENIED IN PART. JUDGMENT IS ENTERED IN FAVOR OF THE PLTFS KIMBERLY GLEASON AND ANTHONY TUTTLE AND AGAINST THE DEFTS TUTTLE FAMILY LTD PARTNERSHIP AND PAULETTE TUTTLE ON COUNTS III AND VII AS FOLLOWS: (1) THE TUTTLE FAMILY LTD PARTNERSHIP IS DISSOLVED AS OF 9/3/08; (2) DEFT PAULETTE TUTTLE IS REMOVED AS GENERAL PARTNER OF THE TUTTLE FAMILY LTD PARTNERSHIP; AND (3) THE PLTFS HAVE WITHDRAWN AS LIMITED PARTNERS OF THE TUTTLE FAMILY LTD PARTNERSHIP. THE PLTFS' REQUEST THAT THEY WIND UP THE TUTTLE FAMILY LTD PARTNERSHIP'S AFFAIRS IS DENIED. BY AGREEMENT OF THE PARTIES, THE STATUS QUO OF THE TUTTLE FAMILY LTD PARTNERSHIP WILL BE MAINTAINED UNTIL FURTHER ORDER OF COURT. IF THE PARTIES CANNOT AGREE ON A LIQUIDATING TRUSTEE, EACH PARTY WILL FILE BY 11/5/09 THE NAME OF A PROPOSED TRUSTEE AND A BRIEF ARGUMENT IN SUPPORT OF THE PROPOSED TRUSTEE.

10/15/2009 NOTE - OTHER CASE NOTE ENTERED ON 10/15/2009
ORDER ON MOTION FOR SUMMARY JUDGMENT (10/15/09) SENT TO REPOSITORIES.

A TRUE COPY

ATTEST: _____
Clerk