

STATE OF MAINE
PENOBSCOT, ss

SUPERIOR COURT
DOCKET NO. CV-11-48
KMC - PEN - 12/28/2011

NORELLA MEERZON

v.

DOMINGOS NOBREGA

DECISION AND ORDER

This matter is pending before the Court on a civil complaint alleging 7 counts seeking legal and equitable theories of recovery. The complaint was filed on March 31, 2011. Defendant, representing himself, filed a document captioned "Notice of Appeal of Complaint" which the Court has treated as an Answer generally denying Plaintiff's complaint.

The Court is putting the self-represented Defendant on notice that the Maine Supreme Judicial Court has decided that those litigants who proceed without legal counsel are to be held to the same standard as those litigants who are represented by legal counsel. *Uotinen v Hall*, 636 A.2d 991, 992 (Me. 1994); *Richards v. Bruce*, 1997 ME 61, 691 A.2d 1223, 1225; *State v Druary* 2008 ME 76, ¶1, 18, 946 A.2d 981. That applies, among other matters, to the Rules of Procedure and the Rules of Evidence. This Court is obligated to follow that direction.

Miscellaneous Motions

Within the file are numerous documents identified as "Motions". Motions are those documents that reflect an application for a Court Order and are governed by the Rules of Civil Procedure in this case and generally by Rule 7 (b)(c) and (d) of the Maine Rules of Civil Procedure identified as M.R.Civ.P. Rules 26 through 37 M.R.Civ.P

generally governs discovery. It relates to information to be shared between the parties. **Discovery should not be filed with the Court as the Defendant has done.** The Court is NOT INVOLVED in Discovery unless there is a dispute as to what information should be provided to the other side. Any information sent to the Court has not been received as evidence and will not be considered as evidence unless it is submitted at a time allowed by the Rules of Civil Procedure and in a way that is authorized by the Rules of Evidence.

The Scheduling Order dated May 10, 2011, issued by the Court **is binding on all parties** and defines participating in ADR and discovery deadlines. By Order dated Sept 7, 2011, ADR was waived/exempted. The Court was satisfied pursuant to Rule 16B(b)(9) that ADR of this dispute reflected in Plaintiff's 7-count complaint would not be furthered by ADR. This was confirmed by Defendant's filing of July 12th referenced below.

Defendant has filed

1. Notice of Motion to File Discovery of Documents filed on July 8, 2001;
2. Notice of ADR and to Notify the Court of Progress filed on July 12, 2011;
3. Motion for Resolution filed on Sept. 19, 2011;
4. Motion for Subpoena filed on Sept. 19, 2011;
5. Motion for Subpoena filed on Sept. 20 2011, denied by Order dated Nov. 14, 2011;
6. Motion to Obtain Counsel pursuant to Rule 88, M.R., Civ.P. filed Oct. 4, 2011 [This was denied by Order of Oct 20, 2011];
7. Motion in Response to Plaintiff's Denial of Defendant's Motion Filed which was filed Oct. 12, 2011;
8. Motion to File More Discovery filed on Oct. 25, 2011;
9. Motion to File Discovery and Request an Order for a Paternity Test filed on Nov. 8, 2011;
10. Motion to File Discovery filed Nov. 12, 2011;
11. Motion to File Discovery filed Dec. 13, 2011.
12. Motion to File Discovery filed Dec. 20, 2011

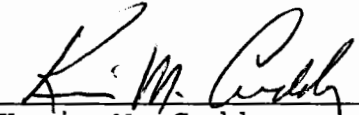
The "Motions" filed by Defendant reflect a fundamental lack of understanding of the legal process and in particular the Rules governing that process. The Court strongly encourages the Defendant to confer with legal counsel in order to preserve and protect his rights both

procedurally and substantively. This Court does not and will not provide legal advice to litigants. That is not the function of the Court in our system.

To the extent that pending "Motions" have not been ruled on by this Court, those Motions identified above are denied and dismissed as failing to comply with the Rules of Civil Procedure.

The Defendant is ORDERED to file no additional discovery documents with the Court.

December 28, 2011


Kevin M. Cuddy
Justice, Superior Court

NORELLA MEERZON - PLAINTIFF
751 MAIN ST
BANGOR ME 04401
Attorney for: NORELLA MEERZON
STEPHEN C SMITH - RETAINED
SMITH LAW OFFICE
9 CENTRAL STREET , STE 209
BANGOR ME 04401

SUPERIOR COURT
PENOBSCOT, ss.
Docket No BANSC-CV-2011-00048

DOCKET RECORD

vs

DOMINGOS NOBREGA - DEFENDANT
SOMERSET COUNTY JAIL, 131 EAST MADISON ROAD
MADISON ME 04950

Filing Document: COMPLAINT
Filing Date: 03/31/2011

Minor Case Type: ASSAULT/BATTERY

Docket Events:

03/31/2011 FILING DOCUMENT - COMPLAINT FILED ON 03/31/2011

04/05/2011 Party(s): NORELLA MEERZON
ATTORNEY - RETAINED ENTERED ON 03/31/2011
Plaintiff's Attorney: STEPHEN C SMITH

04/05/2011 CERTIFY/NOTIFICATION - CASE FILE NOTICE SENT ON 04/05/2011

04/14/2011 Party(s): DOMINGOS NOBREGA
RESPONSIVE PLEADING - ANSWER FILED ON 04/13/2011
BY DEFENDANT: NOTICE OF APPEAL OF COMPLAINT

04/19/2011 Party(s): DOMINGOS NOBREGA
SUMMONS/SERVICE - CIVIL SUMMONS SERVED ON 04/04/2011
AS TO DEFENDANT DOMINGOS NOBREGA

04/19/2011 Party(s): DOMINGOS NOBREGA
SUMMONS/SERVICE - CIVIL SUMMONS FILED ON 04/11/2011
BY PLAINTIFF

05/10/2011 ORDER - SCHEDULING ORDER ENTERED ON 05/10/2011
ANN MURRAY , JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL ADR PROCESS

05/10/2011 DISCOVERY FILING - DISCOVERY DEADLINE ENTERED ON 02/01/2012

05/10/2011 ASSIGNMENT - SINGLE JUDGE/JUSTICE ASSIGNED TO JUSTICE ON 05/10/2011
ANN MURRAY , JUSTICE

06/13/2011 Party(s): DOMINGOS NOBREGA
MOTION - OTHER MOTION FILED ON 06/10/2011
BY PRO SE DEFENDANT: MOTION FOR ADR MEDIATION

06/23/2011 Party(s): DOMINGOS NOBREGA
MOTION - OTHER MOTION OTHER DECISION ON 06/21/2011
ANN MURRAY , JUSTICE

BY PRO SE DEFENDANT: MOTION FOR ADR MEDIATION
ALTERNATIVE DISPUTE RESOLUTION CONFERENCE SHALL BE HELD IN ACCORDANCE WITH THE SCHEDULING
ORDER
DEFENDANT

RULE 16B
6-23-11 COPY SENT TO ATTY SMITH AND

07/14/2011 Party(s): NORELLA MEERZON
MOTION - MOTION TO WAIVE ADR FILED ON 07/06/2011
Plaintiff's Attorney: STEPHEN C SMITH

07/15/2011 Party(s): DOMINGOS NOBREGA
MOTION - OTHER MOTION FILED ON 07/08/2011
NOTICE OF MOTION TO FILE DISCOVERY OF DOCUMENTS FILED BY DEFENDANT (PRO SE)

07/15/2011 Party(s): DOMINGOS NOBREGA
MOTION - OTHER MOTION FILED ON 07/12/2011
MOTION FOR ADR AND TO NOTIFY COURT OF PROGRESS FILED BY DEFENDANT (PRO SE)

08/03/2011 Party(s): NORELLA MEERZON
OTHER FILING - OPPOSING MEMORANDUM FILED ON 07/19/2011
BY PLAINTIFF: OBJECTION TO DEFENDANT'S RENEWED MOTION FOR ADR.

09/13/2011 Party(s): NORELLA MEERZON
MOTION - MOTION TO WAIVE ADR GRANTED ON 09/07/2011
KEVIN CUDDY , JUDGE
GRANTED WITHOUT OPPOSITION
SENT TO ATTY SMITH AND DEFENDANT

9-13-11 COPY

09/27/2011 Party(s): DOMINGOS NOBREGA
MOTION - OTHER MOTION FILED ON 09/19/2011
MOTION FOR RESOLUTION FILED BY DEFENDANT

09/27/2011 Party(s): DOMINGOS NOBREGA
MOTION - OTHER MOTION FILED ON 09/20/2011
MOTION FOR SUBPOENA FILED BY DEFENDANT

09/27/2011 Party(s): DOMINGOS NOBREGA
MOTION - OTHER MOTION FILED ON 09/20/2011
MOTION FOR SUBPOENA FILED BY DEFENDANT

10/07/2011 Party(s): DOMINGOS NOBREGA
MOTION - MOTION FOR APPOINTMENT OF CNSL FILED ON 10/04/2011
FILED BY DEFENDANT (PRO SE)

10/07/2011 Party(s): NORELLA MEERZON
OTHER FILING - OPPOSING MEMORANDUM FILED ON 10/05/2011
Plaintiff's Attorney: STEPHEN C SMITH
OBJECTION TO DEFENDANT'S MOTION FOR SUBPOENA AND MOTION FOR RESOLUTION

10/19/2011 ASSIGNMENT - SINGLE JUDGE/JUSTICE ASSIGNED TO JUSTICE ON 10/19/2011
KEVIN CUDDY , JUDGE
10-19-11 COPY OF NOTICE OF REASSIGNED JUSTICE SENT TO ATTY SMITH AND DEFENDANT

10/22/2011 Party(s): DOMINGOS NOBREGA

MOTION - MOTION FOR APPOINTMENT OF CNSL DENIED ON 10/20/2011
KEVIN CUDDY , JUDGE
10-22-11 COPY SENT TO ATTY SMITH AND DEFENDANT

10/25/2011 Party(s): DOMINGOS NOBREGA
OTHER FILING - REPLY MEMORANDUM FILED ON 10/12/2011
MOTION IN RESPONSE OF PLAINTIFF'S DENIAL OF THE DEFENDANT'S MOTIONS FILED BY DEFENDANT
(PRO SE)

10/31/2011 Party(s): DOMINGOS NOBREGA
MOTION - OTHER MOTION FILED ON 10/25/2011
MOTION TO FILE MORE DISCOVERY FILED BY DEFENDANT (PRO SE)

11/03/2011 OTHER FILING - STATEMENT OF TIME FOR TRIAL FILED ON 11/03/2011
Plaintiff's Attorney: STEPHEN C SMITH

11/14/2011 Party(s): DOMINGOS NOBREGA
MOTION - OTHER MOTION FILED ON 11/08/2011
BY DEFENDANT: MOTION TO FILE DISCOVERY AND TO REQUEST AN ORDER

11/16/2011 Party(s): DOMINGOS NOBREGA
MOTION - OTHER MOTION FILED ON 11/15/2011
BY DEFENDANT: MOTION TO FILE DISCOVERY

12/09/2011 Party(s): NORELLA MEERZON
OTHER FILING - WITNESS & EXHIBIT LIST FILED ON 12/09/2011
BY PLAINTIFF

12/13/2011 OTHER FILING - STATEMENT OF TIME FOR TRIAL FILED ON 10/28/2011
BY PLAINTIFF

12/15/2011 Party(s): DOMINGOS NOBREGA
LETTER - FROM PARTY FILED ON 12/08/2011
FROM PRO SE DEF: REQUEST FOR LEGAL ADVICE AND DOCUMENTS TO FILE COUNTERSUIT

12/15/2011 Party(s): DOMINGOS NOBREGA
MOTION - OTHER MOTION FILED ON 12/13/2011
BY PRO SE DEF: MOTION TO FILE DISCOVERY

12/20/2011 MOTION - OTHER MOTION FILED ON 12/20/2011
BY PRO SE DEF: MOTION TO FILE DISCOVERY

12/22/2011 Party(s): DOMINGOS NOBREGA
MOTION - OTHER MOTION DENIED ON 11/14/2011
KEVIN CUDDY , JUDGE
MOTION FOR RESOLUTION FILED BY DEFENDANT

12/22/2011 Party(s): DOMINGOS NOBREGA
MOTION - OTHER MOTION DENIED ON 11/14/2011
KEVIN CUDDY , JUDGE
MOTION FOR SUBPOENA FILED BY DEFENDANT

12/22/2011 Party(s): DOMINGOS NOBREGA

MOTION - OTHER MOTION DENIED ON 11/14/2011
KEVIN CUDDY , JUDGE
MOTION FOR SUBPOENA FILED BY DEFENDANT

12/29/2011 ORDER - COURT ORDER ENTERED ON 12/28/2011
KEVIN CUDDY , JUDGE
DECISION AND ORDER - THE "MOTIONS" FILED BY DEFENDANT REFLECT A FUNDAMENTAL LACK OF UNDERSTANDING OF THE LEGAL PROCESS AND IN PARTICULAR THE RULES GOVERNING THAT PROCESS. THE COURT STRONGLY ENCOURAGES THE DEFENDANT TO CONFER WITH LEGAL COUNSEL IN ORDER TO PRESERVE AND PROTECT HIS RIGHTS BOTH PROCEDURALLY AND SUBSTANTIVELY. THIS COURT DOES NOT AND WILL NOT PROVIDE LEGAL ADVICE TO LITIGANTS. THAT IS NOT THE FUNCTION OF THE COURT IN COURT SYSTEM. TO THE EXTENT THAT PENDING "MOTIONS" HAVE NOT BEEN RULED ON BY THIS COURT, THOSE MOTIONS IDENTIFIED ABOVE ARE DENIED AS FAILING TO COMPLY WITH THE RULES OF CIVIL PROCEDURE. THE DEFENDANT IS ORDERED TO FILE NO ADDITIONAL DISCOVERY DOCUMENTS WITH THE COURT.
12-29-11 COPY SENT TO ATTY SMITH AND DEFENDANT

12/29/2011 MOTION - OTHER MOTION DENIED ON 12/28/2011
KEVIN CUDDY , JUDGE
BY PRO SE DEF: MOTION TO FILE DISCOVERY

12/29/2011 Party(s): DOMINGOS NOBREGA
MOTION - OTHER MOTION DENIED ON 12/28/2011
KEVIN CUDDY , JUDGE
BY PRO SE DEF: MOTION TO FILE DISCOVERY

12/29/2011 Party(s): DOMINGOS NOBREGA
MOTION - OTHER MOTION DENIED ON 12/28/2011
KEVIN CUDDY , JUDGE
BY DEFENDANT: MOTION TO FILE DISCOVERY

12/29/2011 Party(s): DOMINGOS NOBREGA
MOTION - OTHER MOTION DENIED ON 12/28/2011
KEVIN CUDDY , JUDGE
BY DEFENDANT: MOTION TO FILE DISCOVERY AND TO REQUEST AN ORDER

12/29/2011 Party(s): DOMINGOS NOBREGA
MOTION - OTHER MOTION DENIED ON 12/28/2011
KEVIN CUDDY , JUDGE
MOTION TO FILE MORE DISCOVERY FILED BY DEFENDANT (PRO SE)

12/29/2011 Party(s): DOMINGOS NOBREGA
MOTION - OTHER MOTION DENIED ON 12/28/2011
KEVIN CUDDY , JUDGE
MOTION FOR ADR AND TO NOTIFY COURT OF PROGRESS FILED BY DEFENDANT (PRO SE)

12/29/2011 Party(s): DOMINGOS NOBREGA
MOTION - OTHER MOTION DENIED ON 12/28/2011
KEVIN CUDDY , JUDGE
NOTICE OF MOTION TO FILE DISCOVERY OF DOCUMENTS FILED BY DEFENDANT (PRO SE)

12/29/2011 ORDER - COURT ORDER COPY TO REPOSITORIES ON 12/28/2011
SENT TO MS. DEBORAH FIRESTONE, MAINE LAWYER'S REVIEW, P.O. BOX 6663, PORTLAND, MAINE 04101; THE DONALD GARBRECHT LAW LIBRARY, UNIVERSITY OF MAINE SCHOOL OF LAW, 246 DEERING

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CENTER, MAINE 04021

A TRUE COPY

ATTEST: _____
Clerk