

STATE OF MAINE
Sagadahoc, ss.

SUPERIOR COURT
AMH —SAG— 1/8/2013

MECHANICS SAVINGS BANK

Plaintiff

v.

Docket No. BATSC-CV-12-028

TOWN OF RICHMOND and
MALAMUTE INVESTMENT MANAGEMENT, INC.

Defendants

ORDER

Before the court are the Plaintiff's request for default to be entered against Defendant Malamute Investment Management ["Malamute"] and Plaintiff's motion to strike Malamute's filings. The court elects to decide both without hearing, *see* M.R. Civ. P. 7(b)(7).

Plaintiff Mechanics Savings Bank seeks a declaratory judgment regarding its claim to own real estate at 19 Frog Lane, Richmond, Sagadahoc County. Defendant Malamute Investment Management ["Malamute"] is a Maine corporation that claims ownership in the same property. However, Malamute has not properly appeared and answered in response to the summons and complaint. Instead, it has purported to file an answer through its president, Howard Hoffman, who has not provided a bar number and therefore does not appear to be an attorney licensed to practice law in Maine.

By statute, a corporation must be represented in litigation by an attorney licensed in Maine, with some exceptions, none of which applies here. *See* 4 M.R.S. § 807. Because none of Malamute's filings, including its answer, in this case are signed by a licensed attorney, they are of no validity and it is as if they were never filed at all. *See also* Land Management, Inc. v. Dep't of Environmental Protection, 368 A.2d 602, 603 (Me. 1977) (pleadings filed by a corporation without proper representation are a "nullity").

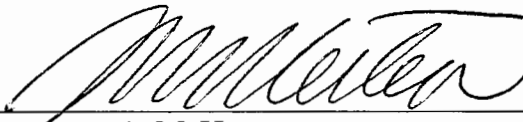
Therefore, the Plaintiff's request for default and motion to strike are well-founded. The court is entering Malamute's default. However, the court will give Malamute an opportunity to avoid being defaulted by arranging for a licensed Maine attorney to enter a general appearance (not a limited appearance) on Malamute's behalf.

IT IS HEREBY ORDERED:

1. Plaintiff's motion to strike is hereby granted. The court will disregard and take no action regarding any and all papers filed by Malamute prior to this order, and will similarly disregard any papers filed hereafter by Malamute unless they are signed by a licensed Maine attorney.
2. Defendant Malamute is hereby declared to be in default. However, Malamute may file a motion to set aside default by February 8, 2013, provided the motion is signed by an attorney licensed to practice in the State of Maine who is appearing generally in this case for Malamute.
3. If no motion signed by a licensed Maine attorney is filed by Malamute by February 8, 2013, Malamute's default will stand and Plaintiff may file a motion for entry of default judgment against Malamute, including a proposed form of judgment in its filing.

Pursuant to M.R. Civ. P. 79(a), the clerk is hereby directed to incorporate this order by reference in the docket.

Date: January 8, 2013


A. M. Horton
Justice, Superior Court