

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

LAURIE TARDIFF, individually and on
behalf of others similarly situated,

Plaintiffs

v.

Civil No. 02-251-P-C

KNOX COUNTY, DANIEL DAVEY, in his
individual capacity and in his official capacity
as Knox County Sheriff,

Defendants

Gene Carter, Senior District Judge

**ORDER DENYING PLAINTIFFS' MOTION FOR RECONSIDERATION
(DOCKET ITEM NO. 294(1)) OF A PRIOR ORDER OF COURT**

Before the Court for determination is Plaintiffs' Motion for Reconsideration of a Prior Order of the Court (Docket Item No. 294(1)). Defendants have responded thereto (Docket Item No. 312). After full review of the written submissions of the parties and consideration of the issues properly generated by the Motion, this said Motion is hereby

DENIED, the Court **FINDING**:

- 1) Said Motion is untimely filed;
- 2) The said Motion is in effect a Supplemental Motion for Summary Judgment which is not properly supported as required by Fed.R.Civ.P. 56 and Local Rule 56. *See, Pew v. Scopino*, 161 F.R.D. 1 (D.Me. 1995);
- 3) The said Motion is now predicated by Plaintiffs only on disputed hearsay evidence; and

- 4) The record reflects numerous genuinely disputed issues of material fact in the present record, resolution of which is necessary to a decision on the Motion.

/s/Gene Carter

GENE CARTER
Senior U.S. District Court Judge

Dated at Portland, Maine this 18th day of September, 2006.

Plaintiff

LAURIE TARDIFF

represented by **DALE F. THISTLE**
LAW OFFICE OF DALE F.
THISTLE
103 MAIN STREET
P.O. BOX 160
NEWPORT, ME 04953
(207) 368-7755
Email: dthistle@verizon.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SUMNER H. LIPMAN
LIPMAN, KATZ & MCKEE
P.O. BOX 1051
AUGUSTA, ME 04332-1051
207-622-3711
Email:
slipman@lipmankatzmckee.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

BENJAMIN JAMES SMITH
LIPMAN, KATZ & MCKEE
P.O. BOX 1051
AUGUSTA, ME 04332-1051
(207) 622-3711
Email:
bsmith@lipmankatzmckee.com
ATTORNEY TO BE NOTICED

FRANK P. DIPRIMA
LAW OFFICE OF FRANK P.
DIPRIMA

41 CONSTITUTION WAY
MORRISTOWN, NJ 07960
(973)656-0251
Email: diprimalaw@aol.com
ATTORNEY TO BE NOTICED

JAMES A. BILLINGS
LIPMAN, KATZ & MCKEE
P.O. BOX 1051
AUGUSTA, ME 04332-1051
(207) 622-3711
Email:
jbillings@lipmankatzmckee.com
ATTORNEY TO BE NOTICED

ROBERT J. STOLT
LIPMAN, KATZ & MCKEE
P.O. BOX 1051
AUGUSTA, ME 04332-1051
207-622-3711
Email:
rstolt@lipmankatzmckee.com
ATTORNEY TO BE NOTICED

TRACIE L. ADAMSON
LIPMAN, KATZ & MCKEE
P.O. BOX 1051
AUGUSTA, ME 04332-1051
(207) 622-3711
Email:
tadamson@lipmankatzmckee.com
ATTORNEY TO BE NOTICED

V.

Defendant

KNOX COUNTY

represented by **CASSANDRA S. SHAFFER**
WHEELER & AREY, P.A.
27 TEMPLE STREET
P. O. BOX 376
WATERVILLE, ME 04901
207-873-7771
Email:
cshaffer@wheelerlegal.com
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

JOHN J. WALL, III
MONAGHAN LEAHY, LLP
P. O. BOX 7046 DTS
PORTLAND, ME 04112-7046
774-3906
Email:
jwall@monaghanleahy.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

PETER T. MARCHESI
WHEELER & AREY, P.A.
27 TEMPLE STREET
P. O. BOX 376
WATERVILLE, ME 04901
873-7771
Email: pbear@wheelerlegal.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

TIMOTHY P. FADGEN
PRESCOTT, JAMIESON,
NELSON & MURPHY, LLC
75 PEARL STREET
PORTLAND, ME 04101
US
207/221-2079
Email: tpfadgen@hotmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DANIEL DAVEY
*In His Individual Capacity, and in
his Official Capacity as Sheriff of
Knox County*

represented by **CASSANDRA S. SHAFFER**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

GEORGE T. DILWORTH
MCCLOSKEY, MINA &
CUNNIFF, LLC
12 CITY CENTER
PORTLAND, ME 04101
(207) 772-6805

Email: tdilworth@lawmmc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

JOHN J. WALL, III
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

PETER T. MARCHESI
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

KIMBERLY L. MURPHY
MCCLOSKEY, MINA &
CUNNIFF, LLC
12 CITY CENTER
PORTLAND, ME 04101
(207) 772-6805
Email: kmurphy@lawmmc.com
ATTORNEY TO BE NOTICED

Defendant

JANE DOE
In Her Individual Capacity
TERMINATED: 04/19/2006

represented by **JOHN J. WALL, III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

PETER T. MARCHESI
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

JOHN DOE
In His Individual Capacity
TERMINATED: 04/19/2006

represented by **JOHN J. WALL, III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

PETER T. MARCHESI
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

