

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**PNC BANK, NATIONAL  
ASSOCIATION,** )  
 )  
 )  
                  **PLAINTIFF** )  
 )  
**v.** )  
 )  
**CARLY R. SMITH f/k/a CARLY R.** )  
**SALMINEN,** )  
 )  
                  **DEFENDANT** )

**CIVIL No. 09-292-P-H**

**ORDER ON PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT**

The defendant Carly R. Smith f/k/a Carly R. Salminen has failed to respond to the plaintiff’s motion for summary judgment. Under Local Rule 56, therefore, the plaintiff’s statement of material facts is deemed admitted. See Local Rule 56(f). Given those facts, including the guarantee this defendant signed, the plaintiff is entitled to judgment as a matter of law under Fed. R. Civ. P. 56 on Count III of the Complaint and on this defendant’s counterclaim. Moreover, the statute of limitations has run on the defendant’s counterclaim and the undisputed facts show no Equal Credit Opportunity Act violation.

Accordingly, the plaintiff’s motion for summary judgment is **GRANTED** on Count III of the Complaint and on this defendant’s counterclaim.

**So ORDERED.**

**DATED THIS 2ND DAY OF MARCH, 2010**

/s/D. BROCK HORNBY  
\_\_\_\_\_  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**

**U.S. DISTRICT COURT  
DISTRICT OF MAINE (PORTLAND)  
CIVIL DOCKET FOR CASE #: 2:09cv292 (DBH)**

**PNC Bank, National Association,**

**Plaintiff**

Represented By **Leonard W. Langer**

**Marshall J. Tinkle**

Tompkins, Clough, Hirshon & Langer

P.O. Box 15060

Portland, ME 04112-5060

(207) 874-6700

email: [lwlangertchl.com](mailto:lwlangertchl.com)

[mjtinkle@tchl.com](mailto:mjtinkle@tchl.com)

**v.**

**Carly R. Smith**, *formerly known as  
Carly R. Salminen,*

**Defendant**

Represented by **David B. McConnell**

Perkins Thompson, PA

P.O. Box 426

Portland, ME 04112

(207) 774-2635

email:

[dmcconnell@perkinsthompson.com](mailto:dmcconnell@perkinsthompson.com)