

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**MERRILL BLUEBERRY FARMS, )  
INC., )  
                                  ) **PLAINTIFF** )  
                                  ) )  
**v.**                                  ) )  
                                  ) )  
**AGVEST INCORPORATED, )  
                                  ) **DEFENDANT** )****

**CIVIL No. 10-462-B-H**

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

The defendant has failed to respond to the plaintiff’s properly supported motion for summary judgment. Accordingly, the plaintiff’s statement of material facts is deemed admitted. See Local Rule 56(f). The defendant has also conceded liability in its Answer to the plaintiff’s Complaint. Upon the motion for summary judgment, the plaintiff is entitled to judgment as a matter of law. The plaintiff’s lawyer shall furnish the Clerk’s Office a proposed form of judgment.

**SO ORDERED.**

**DATED THIS 29TH DAY OF MARCH, 2011**

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

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE (BANGOR)  
CIVIL DOCKET NO. 1:10cv462 (DBH)**

**Merrill Blueberry Farms, Inc.,**

**Plaintiff**

Represented By **Brent A. Singer**

**David C. King**

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**v.**

**Agvest Incorporated,**

**Defendant**

Represented By **Brett D. Baber**

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