

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

MARION DOYLE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:14-cv-00259-JDL
)	
FALMOUTH POLICE)	
DEPARTMENT, et al.,)	
)	
Defendants.)	

ORDER TO SHOW CAUSE

This case, filed by Michael and Marion Doyle without counsel, has encountered certain procedural complications following Marion’s death. On April 22, 2015, I issued an order granting defendants’ motion to substitute Michael Doyle, in his capacity as the Personal Representative of the Estate of Marion Doyle, for Marion. ECF No. 42 at 1. I further indicated that Michael Doyle was required to have counsel appear on behalf of the Estate, absent which an order would issue requiring him to show cause why this case should not be dismissed for lack of prosecution as to the claims of the late Marion Doyle. *Id.* at 2.

On May 6, Michael Doyle submitted a written opposition that explains that he has approached four different attorneys about the case, all of whom declined to represent the Estate. ECF No 43 at 1-2. In light of these circumstances, Michael Doyle inquired whether the court would order an attorney to represent him in his capacity as Personal Representative, and also requested that the court decline to require the Estate to retain counsel. *Id.* at 2.

I cannot grant either of Michael Doyle's requests. As this is a civil case, the Estate has no constitutional or statutory right to have counsel provided by the court absent extraordinary circumstances not present here. *See Ruffin v. Brann*, 2010 WL 500827, at *1 (D. Me. Feb. 8, 2010) (denying pro se litigant's request to have counsel appointed). In addition, it is settled that a non-attorney personal representative of an estate may not appear on the estate's behalf. *State v. Simanonok*, 539 A.2d 211, 212 (Me. 1988) (followed in *Boutet v. Miller*, 2001 WL 1711531, *1 (Me. Super. Mar. 9, 2001)). Permitting such an appearance could expose a lay personal representative to criminal liability. *See* 4 M.R.S.A. § 807 (2014) (no exception to prohibition on the unauthorized practice of law for estate representatives).

In sum, the Estate must be represented by an attorney, none has appeared, and this court is not authorized to appoint one. It bears emphasis that the reasons that I granted the defendants' Motion to Dismiss, ECF No. 33, denied plaintiffs' Motion to Stay, ECF No. 32, and denied plaintiffs' Second Amended Complaint, ECF No. 34, as they pertain to Michael Doyle's claims, apply with equal force to Marion Doyle's claims. Accordingly, in the event an attorney appears on behalf of the Estate, and absent any new information not previously brought to my attention, it is likely that the claims asserted by Marion Doyle will ultimately be ordered dismissed on the merits for the same reasons that Michael Doyle's claims were ordered dismissed.

Accordingly, it is **ORDERED** that Michael Doyle, Personal Representative of the Estate of Marion Doyle, must show cause within 30 days why this action should not be dismissed for want of prosecution. *See* Loc. R. 41.1.

SO ORDERED.

Dated: May 22, 2015

/s/ Jon D. Levy
U.S. District Judge

**United States District Court
District of Maine
Civil Docket No. 2:14-cv-259**

MARION DOYLE,

Plaintiff,

Represented by **Marion Doyle**
3 Shady Lane
Falmouth ME 04105
(207) 766-6644
PRO SE

v.

**FALMOUTH POLICE
DEPARTMENT,
TOWN OF FALMOUTH,
ROBERT RYDER, and
JOHN KILBRIDE,**

Defendants.

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