

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**JEFFREY M. SMITH, ET AL.,**            )  
  )  
  )  
  )  
  )  
**PLAINTIFFS**                            )  
  )  
**v.**    )  
  )  
  )  
**OTIS ELEVATOR COMPANY,**            )  
**ET AL.,**                                    )  
  )  
  )  
  )  
**DEFENDANTS**                          )

**Civil No. 01-305-P-H**

**ORDER ON PENDING MOTIONS**

All the pending summary judgment motions are **DENIED**. There are genuine issues of material fact to be determined by the factfinder in deciding who among the defendants is liable and for what share. Bethel Commodore Corporation's motion for leave to file a third party complaint is also **DENIED** as untimely; the remainder of this case is going to trial early in February.

**So ORDERED.**

**DATED: JANUARY 3, 2003.**

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**D. BROCK HORNBY  
UNITED STATES DISTRICT JUDGE**

U.S. District Court  
District of Maine (Portland)  
Civil Docket For Case #: 01-CV-305

JEFFREY M SMITH, Individually  
and as Administrator of the  
Estate of Joseph Tucker Smith  
and as next friend of Mara  
Smith and as next friend of  
Elliott Smith  
    plaintiff

MARY SMITH  
    plaintiff

v.

OTIS ELEVATOR COMPANY  
    defendant  
    cross-claimant  
    cross-defendant

PINE STATE ELEVATOR COMPANY  
    defendant  
    cross-claimant  
    cross-defendant

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BETHEL COMMODORE CORPORATION  
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cross-defendant

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