

STATE OF MAINE

BUSINESS AND CONSUMER COURT

Cumberland, ss.

ARUNDEL VALLEY, LLC

Plaintiff

v.

Docket No. BCD-CV-13-15

BRANCH RIVER PLASTICS, INC.

Defendant

ORDER GRANTING RELIEF FROM JUDGMENT

Defendant Branch River Plastics, Inc. has filed a Motion to Vacate Judgment and Plaintiff Arundel Valley, LLC has filed an opposition and a Motion for Sanctions in response. Branch River opposes the Motion for Sanctions. The court elects to decide the pending motions without hearing. *See* M.R. Civ. P. 7(b)(7).

It is undisputed that the Judgment After Remand entered March 20, 2017 in favor of Arundel Valley against Branch River has been satisfied in full. Branch River wants Arundel Valley to execute a satisfaction of judgment, and Arundel Valley refuses to do so in the form Branch River has requested. Accordingly, Branch River has moved to vacate the judgment. The Motion to Vacate is made pursuant to M.R. Civ. P. 60(b)(5), which permits the court to award relief from judgment on the ground that the judgment has been “satisfied, released, or discharged.”

Because unsatisfied judgments of record can have adverse financial consequences for the judgment debtor, Branch River’s request for a satisfaction of judgment that can be made a matter of record is reasonable. Many judgments are in fact paid by insurers

rather than the nominal judgment debtor, and the court sees no need for the satisfaction of judgment to say anything more than that the judgment has been satisfied.

However, the counterpart federal rule to M.R. Civ. P. 60(b)(5) has been interpreted not to permit money judgments to be vacated. “Most courts have agreed that a money judgment does not have prospective application, and that relief from a final money judgment is therefore not available under the equitable leg of Rule 60(b)(5).” *Stokors, S.A. v. Morrison*, 147 F.3d 759, 762 (8th Cir. 1998). *See also DeWeerth v. Baldinger*, 38 F.3d 1266, 1275 (2^d Cir. 1994) (“[I]n practical terms, these standards mean that judgments involving injunctions have 'prospective application,' while money judgments do not”).

On the other hand, a judgment debtor who has satisfied a money judgment but has been refused an acknowledgment of satisfaction may be entitled to a different form of relief—a judicial declaration that the money judgment has been paid and satisfied. “Under Rule 60(b), a court may relieve a party from a judgment if “the judgment has been satisfied, released, or discharged” Fed. R. Civ. P. 60(b)(5). This authority encompasses the power to declare a judgment satisfied” *AIG Baker Sterling Heights, LLC v. Am. Multi-Cinema, Inc.*, 579 F.3d 1268, 1273 (11th Cir. 2009), *quoting Gibbs v. Maxwell House, A Div. of Gen. Foods Corp.*, 738 F.2d 1153, 1155 (11th Cir. 1984).

Branch River’s motion is clearly captioned as a Motion to Vacate under Rule 60(b)(5), but the court has authority to grant any form of relief available under the rule. Branch River does not need the Judgment After Remand to be vacated in order to

obtain the relief it is entitled to. Thus, the relief granted is in the form of a declaration that the Judgment After Remand has been satisfied.

Based on the submissions, the court cannot clearly assign fault for this controversy entirely to one party or the other, and awards no sanctions or costs to either party.

IT IS HEREBY ORDERED AS FOLLOWS:

1. Defendant Branch River's Motion to Vacate is hereby granted in part, to the extent of this Order and otherwise denied.

2. The court hereby declares that the Judgment After Remand docketed in this case March 20, 2017 has been satisfied in full. A separate statement to that effect is issued herein.

3. Plaintiff Arundel Valley's Motion for Sanctions is denied.

Pursuant to M.R. Civ. P. 79(a), the clerk is directed to incorporate this Order by reference in the docket.

Dated July 7, 2017

/S

A. M. Horton, Justice

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BRANCH RIVER PLASTICS, INC.

Defendant

DECLARATION OF SATISFACTION OF JUDGMENT

Based on the parties' post-judgment filings, the court hereby declares that the Judgment After Remand docketed herein March 20, 2017 has been satisfied in full.

Pursuant to M.R. Civ. P. 79(a), the Clerk is directed to incorporate this declaration by reference in the docket.

Dated July 7, 2017

/s

A. M. Horton, Justice