

STATE OF MAINE
SUPREME JUDICIAL COURT
SITTING AS THE LAW COURT

LAW DOCKET NO.: OXF-25-134

CARISSA DANIELS

Plaintiff/Appellee

PATRICK O'BRIEN et al.

Defendants/Appellants

On Appeal from the Oxford County Superior Court (Civil Docket)

BRIEF OF THE APPELLEE

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STATEMENT OF FACTS

The Appellee/Plaintiff, Carissa Daniels (hereinafter “Daniels”) brought a Timber Trespass action against the Appellant/Defendant, Patrick R. O’Brien and Linda S. Labis (hereinafter “O’Brien”). O’Brien obtained counsel to defend the action through his insurance company, Appellee/Insurer, MMG Insurance (hereinafter “MMG”). Mr. O’Brien had independent counsel, Attorney Paul Douglass. His insurance company, MMG, retained additional counsel for him, Attorney Matthew Mehalic. Mr. O’Brien never counterclaimed against the Plaintiff in the Timber Trespass action. The matter moved to mandatory mediation under the Maine Superior Court system. The mediator was Attorney Robert Hatch. All the parties were represented by counsel, including O’Brien through his insurance company and independently, through Attorney Douglass. At the mediation, terms and conditions of a complete and final resolution of all actions brought by Daniels were reached. Counsel for O’Brien’s insurance company, MMG, created a full release of claims, Daniels signed those documents, and Daniels received the settlement proceeds agreed to by the parties. Daniels then moved in Court to dismiss her Complaint with prejudice.

The Superior Court ordered a dismissal of the action with prejudice, O’Brien objected and submitted a series of additional materials, and then filed an objection to the dismissal of Complaint. That action was fully briefed by the parties, argued orally before the Superior Court, and the Court in an Order of February 26, 2025 denied O’Brien’s Motion, and then upheld that denial in Further Findings and Conclusions dated April 1, 2025.

O’Brien then brought the current appeal to the Maine Supreme Judicial Court.

STATEMENT OF ISSUES

- I. WAS THE SUPERIOR COURT'S ORDER GRANTING THE APPELLEE/PLAINTIFF'S MOTION TO DISMISS WITH PREJUDICE CORRECT?

DISCUSSION OF LAW

I. THE SUPERIOR COURT'S ORDER GRANTING THE APPELLEE/PLAINTIFF'S MOTION TO DISMISS WITH PREJUDICE WAS CORRECT.

The underlying action in this matter involves Timber Trespass. Daniels alleged that O'Brien cut timber on her property. O'Brien never counterclaimed. O'Brien, voluntarily, engaged his own insurance to cover potential costs for defending and resolving the action. He additionally retained private counsel to advise him, and his counsel was present during mediation.

At no time did Daniel's have any input into the independent actions of O'Brien or O'Brien's insurance company, MMG. Additionally, there was no contractual or other relationship between Daniels and MMG Insurance.

Terms and conditions of a full and final resolution of the action were negotiated reasonably and in good faith. Based on that agreement, Daniels signed a full release of O'Brien for all damages sought under the Timber Trespass action. Additionally, Daniels agreed that O'Brien could maintain all rights of action against any and all parties.

In this appeal to the Maine Supreme Judicial Court, O'Brien has raised a host of issues involving only they and their insurance company. None of these issues pertain to Daniels and her timber trespass action. On the contrary, because O'Brien waived no rights of action against other parties, including MMG, he has preserved rights to bring a legal action directly against their insurance carrier if they feel the insurer inappropriately applied terms and conditions of the insurance policy. This is an insurance policy coverage issue that has nothing to do with Daniels. Daniels has been dragged into an appeal process that has nothing to do with her. Daniels has no desire to maintain any sort of action relating to O'Brien, O'Brien never had an action filed

against Daniels, and Daniels' request for a dismissal, with prejudice, of her Complaint against O'Brien was correctly granted by the Court below. That determination must be upheld.

Dated at Portland, Maine this 29th day of July 2025.



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CERTIFICATE OF SERVICE

I, Nelson J Larkins, Esq., attorney for the Appellee, Carissa Daniels hereby certify that I have this day sent one copy of the foregoing Brief of the Appellee, by depositing the same in the U.S. Mail, postage prepaid, to

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