

STATE OF MAINE
KENNEBEC, ss.

BUSINESS & CONSUMER COURT
CIVIL ACTION
DOCKET NO: BCD-CIV-2024-00003

DIANE G. MARTIN,)
)
 Plaintiff,)
)
 v.)
)
 DOLLAR TREE STORES, INC.,)
 MISER INVESTMENTS, LLC,)
 MCCUE CORPORATION, and)
 JOSEPH LAFRANCE,)
 Defendants,)
 and)
)
 DOLLAR TREE STORES, INC.,)
)
 Defendant/Third-Party Plaintiff,)
)
 v.)
)
 MARCO CONTRACTORS, INC.,)
)
 Third-Party Defendant.)



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**ORDER ON DEFENDANT/THIRD-PARTY
PLAINTIFF DOLLAR TREE STORES,
INC.'S MOTION FOR JUDGMENT ON THE
PLEADINGS**

Upon review of Defendant/Third-Party Plaintiff, Dollar Tree Stores, Inc.'s Motion for Judgment on the Pleadings to dismiss Plaintiff Diane G. Martin's Complaint, the Motion is Denied. Contrary to Dollar Tree's arguments, the elements of duty and causation are well pled in the Complaint. Further, Dollar Tree's reliance on *Howe v. Stubbs*, 570 A.2d 1203 (Me. 1990) to support dismissal is misplaced. *Howe* was a summary judgment case, decided after a factual record was developed. Here, the Complaint's factual allegations, viewed in the light most favorable to Plaintiff, are sufficient to withstand the Motion for Judgment on the Pleadings.

So Ordered.

The Clerk is instructed to enter this Order on the Docket.

06/10/2024

A handwritten signature in blue ink, appearing to read "M. A. Suddley".

Entered on the docket: 06/10/2024