

STATE OF MAINE
YORK, ss.

SUPERIOR COURT
CIVIL ACTION
Docket No. RE-09-111

**ROBERT F. ALMEDER and VIRGINIA
S. ALMEDER, et al.,**

Plaintiffs

v.

TOWN OF KENNEBUNKPORT, et al.,

Defendants

NOTICE OF CROSS-APPEAL

Pursuant to Rule 2(a) of the Maine Rules of Appellate Procedure, Defendant Town of Kennebunkport (the "Town") hereby cross-appeals and submits the following statement of issues on appeal of the Maine Rules of Appellate Procedure:¹

Did the Superior Court err in its December 22, 2011 Decision and Order and in denying the Town's Motions for Summary Judgment?

Dated: January 2, 2013



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¹ The Town is filing this notice of cross-appeal out of an excess of caution to preserve its right of appeal on the Court's December 22, 2011 Decision and Order and denial of the Town's Motion for Summary Judgment. The Town believes, however, that Plaintiffs' appeal of the Court's December 22, 2011 Decision and Order, which is not a final judgment, is an interlocutory appeal and should be dismissed. *Knowlton v. Attorney General*, 2009 ME 79, 976 A.2d 973 (holding that an interlocutory appeal from the partial denial of a summary judgment motion is generally precluded by the final judgment rule).