

STATE OF MAINE

SUPREME JUDICIAL COURT
Sitting as the Law Court
Docket No. BCD-17-412

Claire Dean Perry et al.

v.

ORDER REINSTATING APPEAL

William T. Dean Jr. et al.

Claire Dean Perry and Pamela W. Vose have moved to reinstate their appeal on the ground that they filed their notice of appeal timely via email as allowed by M.R. Civ. P. 139. William T. Dean Jr. et al. have not filed an opposition to the motion.

Maine Rule of Civil Procedure 5(f) requires that the clerk return, without docketing, any filing “not accompanied *at the time of filing* by a legally required element, including . . . [an] appeal fee” (Emphasis added). Rule 139(a)(2) requires a party filing a document electronically to also mail a signed paper copy of the document the same day. M.R. Civ. P. 139(a)(2). The rules are not entirely clear on whether mailing a required fee means that the fee “accompanies” the filing on the date of mailing and electronic filing. The Court will therefore allow the appeal to proceed but will require briefing on whether the appeal is timely given the circumstances here.

It is therefore ORDERED as follows:

1. The appeal is REINSTATED. The Clerk of the Law Court is directed to issue a docketing notice with deadlines set as though the notice of appeal was filed on the date of this order.
2. The parties must address in their brief whether an appeal from the Business and Consumer Docket that is filed electronically with the paper copy and appeal fee mailed on the same date is considered filed on the date of the electronic filing and mailing or on the date that the clerk receives the mailing and appeal fee.

Date: October 22, 2017

For the Court,

RECEIVED
OCT 23 2017
Clerk's Office
Maine Supreme Judicial Court



Associate Justice