

STATE OF MAINE

SUPERIOR COURT

CUMBERLAND _____, ss.

Docket No. _____

Katherine M. Dennison, Personal
Representative of Estate of Herbert
B. Dennison, Sr., & Individually Plaintiff

DISTRICT COURT

Location _____

Docket No. _____

v.

SUMMONS

Town of Cape Elizabeth Defendant

c/o Debra Lane, Clerk
320 Ocean House Road Address

Cape Elizabeth, ME 04107

The Plaintiff has begun a lawsuit against you in the (~~District~~) (Superior) Court, which holds sessions at (street address) 205 Newbury Street, in the Town/City of Portland, County of Cumberland, Maine. If you wish to oppose this lawsuit, you or your attorney **MUST PREPARE AND SERVE A WRITTEN ANSWER** to the attached Complaint **WITHIN 20 DAYS** from the day this Summons was served upon you. You or your attorney must serve your Answer, by delivering a copy of it in person or by mail to the Plaintiff's attorney, or the Plaintiff, whose name and address appear below. You or your attorney must also file the original of your Answer with the court by mailing it to the following address: Clerk of (~~District~~) (Superior) Court, Sally A. Bourget 205 Newbury Street, Portland, Maine 04112
(Mailing Address) (Town, City) (Zip)

before, or within a reasonable time after, it is served.

IMPORTANT WARNING

IF YOU FAIL TO SERVE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU IN YOUR ABSENCE FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR EMPLOYER MAY BE ORDERED TO PAY PART OF YOUR WAGES TO THE PLAINTIFF OR YOUR PERSONAL PROPERTY, INCLUDING BANK ACCOUNTS AND YOUR REAL ESTATE MAY BE TAKEN TO SATISFY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS LAWSUIT, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

If you believe the plaintiff is not entitled to all or part of the claim set forth in the Complaint or if you believe you have a claim of your own against the Plaintiff, you should talk to a lawyer. If you feel you cannot afford to pay a fee to a lawyer, you may ask the clerk of court for information as to places where you may seek legal assistance.

Date: March 11, 2016
Robert M. Raftice, Jr., Esq.
Bar No. 7563
Ainsworth, Thelin & Raftice, P.A.

(Attorney for) Plaintiff
P.O. Box 2412 Address
South Portland, ME 04107
(207) 767-4824 Telephone

(Seal of Court)

Sally A. Bourget
Clerk

J.M. Raftice
3/15/16

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-

KATHERINE M. DENNISON, in the
capacity of Personal Representative of the
ESTATE OF HERBERT B. DENNISON,
SR., now or formerly residing in Cape
Elizabeth, Cumberland County, State of
Maine, and

KATHERINE M. DENNISON, an
individual now or formerly residing in Cape
Elizabeth, Cumberland County, Maine,

Plaintiffs

v.

CHRISTINE D. SHARP-LOPEZ, an
individual now or formerly residing in Cape
Elizabeth, Cumberland County, State of
Maine, and

BERNARD J. LOPEZ, an individual now or
formerly residing in Cape Elizabeth,
Cumberland County, State of Maine

THE TOWN OF CAPE ELIZABETH, a
political subdivision of the State of Maine,

Defendants

COMPLAINT

NOW COMES Plaintiff Katherine M. Dennison, individually and in her capacity as Personal Representative for the Estate of Herbert B. Dennison, Sr., by and through undersigned counsel and complains as follows:

JURISDICTION AND VENUE

1. This action is brought pursuant to Title 4 M.R.S.A. §105, which establishes the general legal and equitable jurisdiction of this Court.

2. The actions complained herein took place in Cumberland County and therefore, pursuant to 14 M R S.A. §501, venue is proper in Cumberland County.

PARTIES

3. Plaintiff Katherine M. Dennison is an individual with a place of residence now located in Cape Elizabeth, County of Cumberland, State of Maine (hereinafter “Plaintiff” or “Katherine Dennison”). Plaintiff has been duly authorized by the Probate Court in Cumberland County, Maine to act as the Personal Representative for the Estate of Herbert B. Dennison, Sr.

4. Defendant Christine D. Sharp-Lopez (“Defendant Sharp-Lopez”) is an individual with a place of residence now or formerly located in Cape Elizabeth, County of Cumberland, State of Maine.

5. Defendant Bernard J. Lopez (“Defendant Lopez”) is an individual with a place of residence now or formerly located in Cape Elizabeth, County of Cumberland, State of Maine.

6. Defendant Town of Cape Elizabeth (“Defendant Cape Elizabeth”) is a town created pursuant to Title 30-A which is situated in Cumberland County, Maine.

FACTS

7. Upon information and belief, on November 24, 2014 at approximately 10:30 a.m., Herbert B. Dennison, Sr. (hereinafter “the Decedent”) was disposing of household garbage at the Cape Elizabeth, Maine, transfer and recycling center located on Dennison Drive, in Cape Elizabeth, Maine. The transfer and recycling center is a collection of buildings, as well as mobile and stationary machinery, situated on real property owned, operated, maintained and supervised by Defendant Cape Elizabeth.

8. At all relevant times herein, the Decedent was without fault and exercised due care.

9. Upon information and belief, on November 24, 2014 at approximately 10:30 a.m., Defendant Sharp-Lopez was operating a motor vehicle, to wit: A 2002 Ford Sport Utility Vehicle,

at the transfer and recycling center located on Dennison Drive, in Cape Elizabeth, Maine. Upon information and belief, the aforementioned vehicle was owned and maintained by Defendant Lopez.

10. Upon information and belief, Defendant Sharp-Lopez was backing her vehicle up to the trash hopper at the Cape Elizabeth transfer and recycling center.

11. At the above-referenced time and place, Defendant Sharp-Lopez operated her vehicle and struck and subsequently killed the Decedent, as he disposed of household garbage in the garbage hopper.

12. Defendant Sharp-Lopez's vehicle struck Decedent with such force as to throw him back into the garbage hopper.

13. The Estate of Herbert Dennison incurred significant costs relative to the Decedent's personal injury, ensuing death and funeral costs.

14. Plaintiff Katherine Dennison, the Decedent's wife, also suffered extensively as a result of her husband's death.

15. Defendant Cape Elizabeth operated the transfer station garbage hopper and surrounding area at issue here in substantially the same manner and configuration as existed on November 24, 2014 for many years prior to the facts complained of herein.

16. Specifically, Defendant Cape Elizabeth designed, implemented and supervised a plan whereby approaching vehicles backed into the garbage hopper disposal area, instead of approaching in a forward-driving fashion.

17. Furthermore, Defendant Cape Elizabeth designed, implemented and supervised a plan whereby pedestrians also entered the garbage hopper disposal area at the same time as vehicles were both entering and exiting the aforementioned area.

18. The aforementioned design, implementation and supervision created a dangerous condition, of which Defendant Cape Elizabeth knew or should have known.

19. Defendant Cape Elizabeth did nothing to correct, mitigate or ameliorate the dangerous condition until after the November 24, 2014 death complained of herein.

20. Defendant Cape Elizabeth's failure to correct or to mitigate said dangerous conditions caused Decedent's death on November 24, 2014.

21. Defendant Town of Cape Elizabeth is liable for bodily injury or death relative to its negligent acts or omissions in its ownership, maintenance or use of the transfer station garbage hopper, which constitutes "machinery or equipment" pursuant to Title 14 M.R.S.A. section 8104-A(1)(G).

22. Additionally, Defendant Town of Cape Elizabeth is liable for its negligent acts or omissions in the construction, operation or maintenance of any public building or the appurtenances to any public building, pursuant to Title 14 M.R.S.A. section 8104-A(2).

23. Within One Hundred and Eighty (180) days after the claim or cause of action complained of herein accrued, Plaintiffs filed a written notice with Defendant Cape Elizabeth, pursuant to Title 14 M.R.S.A. section 8107.

COUNT I – WRONGFUL DEATH
18-A M.R.S.A. §2-804(c) and 18-A M.R.S.A. §3-817

24. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1 through 23 as if more fully set forth herein.

25. Defendants engaged in wrongful acts and negligent acts, neglect or default, and/or otherwise caused personal injury from which the Decedent suffered on or about November 24, 2014.

26. As a result of said personal injury, the Decedent, on information and belief, experienced a period of conscious suffering. Following said period of conscious suffering, death ensued.

27. Said personal injury, period of conscious suffering and the resulting death were proximately caused by the Defendants, as complained herein, and the Defendants are liable for damages arising as a result thereof.

WHEREFORE, the Plaintiff respectfully requests that this Court enter judgment in Plaintiffs' favor and in an amount reasonable in the premises, plus court costs, prejudgment interest, and any such further relief this Court deems just and equitable.

COUNT II – WRONGFUL DEATH
18-A M.R.S.A. §2-804(a)-(b)

28. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1 through 27 as if more fully set forth herein.

29. As an alternative to the allegations set forth within Count I, the Decedent died without recovering consciousness.

30. Decedent's death was caused by the Defendants' wrongful acts, neglect and default.

31. Had death not ensued, the Decedent would have been entitled to maintain an action to recover from the injuries related to the damages he suffered from the November 24, 2014 collision.

32. Therefore, pursuant to 18-A M.R.S.A. §2-804(a)-(b), the Defendants are liable for damages notwithstanding the death of decedent, Herbert B. Dennison, Sr.

33. Plaintiff Katherine Dennison suffered substantial pecuniary loss as the result of her husband's death, to wit, Katherine Dennison suffered substantial emotional distress and loss of consortium as a result thereof.

34. Plaintiff Katherine Dennison is entitled to full and just compensation for said pecuniary loss.

35. The Estate of Herbert Dennison sustained significant monetary damages, namely, reasonable costs for care and treatment and reasonable funeral expenses.

36. Katherine Dennison in her capacity as Personal Representative of the Estate of Herbert B. Dennison, Sr. is entitled to compensation for said medical and funeral expenses.

37. Plaintiffs are entitled to damages, including punitive damages.

WHEREFORE, the Plaintiffs respectfully request this Court to enter judgment in Plaintiffs' favor and in an amount reasonable in the premises, plus court costs, prejudgment interest, and any such further relief this Court deems just and equitable.

COUNT III – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

38. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1 through 37 as if more fully set forth herein.

39. Defendants owed a duty to Plaintiff Katherine Dennison and Decedent Herbert Dennison.

40. Defendants breached that duty to Plaintiff Katherine Dennison and Decedent Herbert Dennison.

41. Plaintiff Katherine Dennison and Decedent Herbert Dennison were harmed by Defendants conduct.

42. Defendants' breaches caused Plaintiff Katherine Dennison and Decedent Herbert Dennison harm.

43. Cause of the aforementioned harm constituted negligence.

44. Emotional distress to both Katherine Dennison and Decedent Herbert Dennison was a reasonably foreseeable result of Defendants' negligent conduct.

45. Plaintiff Katherine Dennison and Decedent Herbert Dennison suffered serious emotional distress as a result of Defendants' negligence.

46. The aforementioned serious emotional distress was such that no reasonable person could endure.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in Plaintiffs' favor and in an amount reasonable in the premises, plus court costs, prejudgment interest, and any such further relief this Court deems just and equitable.

COUNT IV – NEGLIGENCE

47. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1 through 46 as if more fully set forth herein.

48. Defendants owed a duty to Plaintiffs.

49. To wit, Defendants Sharp-Lopez and Lopez owed a duty to use due care in the operation of their vehicle.

50. To wit, Defendant Cape Elizabeth owed a duty to properly operate, supervise the operation of, and/or correct any dangerous conditions inherent in the operation of the transfer station hopper and surrounding property.

51. Defendants breached their respective duties: To wit, Defendants Sharp-Lopez and Lopez were negligent by failing to properly and to carefully operate her motor vehicle; Defendant Cape Elizabeth was negligent by, among other things, failing to maintain a reasonably safe premises through its failure to properly design the area, failure to erect warnings, failure to erect barriers, failure to erect gates, and its failure to otherwise channel and supervise the mix of pedestrians, motorists and others utilizing the area through which access was gained to the trash hopper and surrounding area.

52. Said breaches caused the collision which resulted in the decedent's injuries and subsequent death. Plaintiffs sustained significant damages as result of said breach.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in Plaintiffs' favor and in an amount reasonable in the premises, plus court costs, prejudgment interest, and any such further relief this Court deems just and equitable.

COUNT V – LOSS OF CONSORTIUM

53. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1 through 52 as if more fully set forth herein.

54. Plaintiff Katherine Dennison and Decedent Herbert Dennison were married at all times relevant herein.

55. As a proximate cause of Defendants' negligence and breach of duty, Plaintiff Katherine Dennison has lost the usual marital comforts, income, household chores, society, comfort, physical relations and companionship she enjoyed with the Decedent prior to his death.

56. Pursuant to 14 M.R.S.A. §302, Plaintiff is entitled to recovery of damages for loss of consortium.

WHEREFORE, Plaintiff Katherine Dennison seeks damages for loss of consortium, costs and any other relief deemed just and equitable by this Court.

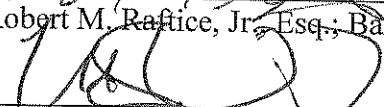
WHEREFORE, the Plaintiffs respectfully request that this Court enter judgment on all Counts herein in Plaintiffs' favor in an amount that is reasonable in the premises, plus court costs, prejudgment interest, and any such further relief this Court deems just and equitable.

Dated at South Portland, Maine, this 10th day of March, 2016.

AINSWORTH, THELIN & RAFTICE, P.A.



Robert M. Raftice, Jr., Esq.; Bar No. 7563



Michael F. Vaillancourt, Esq.; Bar No. 9030

Attorneys for Plaintiff Katherine M. Dennison, both individually and in her capacity as the Personal Representative of the Estate of Herbert B. Dennison, Sr.

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(207) 767-4824

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-

KATHERINE M. DENNISON, both
individually and in her capacity as Personal
Representative of the ESTATE OF
HERBERT B. DENNISON, SR.,

Plaintiffs

v.

CHRISTINE D. SHARP-LOPEZ, an
individual now or formerly residing in Cape
Elizabeth, Cumberland County, State of
Maine, and

BERNARD J. LOPEZ, an individual now or
formerly residing in Cape Elizabeth,
Cumberland County, State of Maine, and

THE TOWN OF CAPE ELIZABETH, a
political subdivision of the State of Maine,

Defendants

**PLAINTIFFS' MOTION FOR
PREJUDGMENT ATTACHMENT AND
ATTACHMENT ON TRUSTEE
PROCESS AS AGAINST DEFENDANT
CHRISTINE D. SHARP-LOPEZ**

NOW COME the Plaintiffs, Katherine M. Dennison, in her capacity as Personal Representative for the Estate of Herbert B. Dennison, Sr. and in her individual capacity (hereinafter, "Plaintiffs"), by and through undersigned counsel and pursuant to M.R.Civ.P. 4A and 4B and 14-A M.R.S.A. §3136, and moves this Honorable Court for Prejudgment Attachment and Attachment on Trustee Process against Defendant Christine D. Sharp-Lopez and Defendant Bernard J. Lopez (hereinafter, "Defendants") in the amount of Five Hundred Thousand Dollars (\$500,000.00), plus interest and costs, on the grounds that it is more likely than not that Plaintiff will recover judgment, including interest and costs, in the amount equal to or greater than said amount, and there is only One Hundred Thousand Dollars of liability insurance, and no other

insurance bond or other security or any other property or credit attached by writ of attachment or by Trustee Process available to satisfy the judgment.

This Motion is based upon Plaintiff's Complaint to which reference is hereby made, the Affidavit of Katherine M. Dennison (hereinafter "Dennison Affidavit"), and the following Facts and Memorandum of Law.

FACTS

On November 24, 2014 at approximately 10:30 a.m., Herbert B. Dennison, Sr. (hereinafter "Mr. Dennison") was disposing of household garbage at the Cape Elizabeth, Maine, transfer and recycling center located on Dennison Drive, in Cape Elizabeth, Maine. *See Dennison Affidavit* at ¶ 4. Mr. Dennison had entered the "trash hopper" area with his garbage and as he was casting the garbage into the "hopper", was struck and killed by Defendant Sharp-Lopez as she backed her 2002 Ford Sport Utility Vehicle into the same "hopper" area. *See Dennison Affidavit* at ¶ 5.

Defendant Sharp-Lopez was operating her vehicle at an imprudent speed and failed to brake, such that her vehicle struck Mr. Dennison with such force that he flew through the air and into the hopper, and her vehicle then hit the concrete barrier in front of the hopper and came to rest with the rear bumper of the vehicle on top of the barrier. *See Dennison Affidavit* at ¶ 6. In fact, a video camera maintained by the Town of Cape Elizabeth captured the entirety of the incident. A true copy of the video feed is attached and incorporated as Exhibit 1. The impact was such that it killed Mr. Dennison.

Plaintiffs suffered significant costs relative to Mr. Dennison's personal injury and ensuing death. *See Dennison Affidavit* at ¶ 8. The likelihood of Plaintiffs' success on the merits of this case as against Defendants Sharp-Lopez is clear.

MEMORANDUM OF LAW

Under Rule 4A of the Maine Rules of Civil Procedure, attachment is available in any civil action whether cognizable at law or in equity. *Calvert v. Corthell*, 599 A2d. 69, 72 (Me. 1991). When the standards for attachment have been met, there is properly no discretion to deny such an attachment, and an order granting attachment shall issue if the Court finds it “more likely than not” that the Plaintiffs will prevail. *See* M.R.Civ.P. 4A(c); *see also* *Schneider v. Cooper*, 687 A.2d 606, 608 (Me. 1996). It is clear from the Complaint and supporting affidavit filed in this matter that it is more likely than not that Plaintiffs will prevail as against Defendant Sharp-Lopez and that Attachment and Trustee Process should issue.

In this case, the Affidavit of Katherine M. Dennison establishes that Plaintiffs are entitled to prejudgment attachment and attachment on trustee process. As set forth more fully within the referenced Complaint and Affidavit, Plaintiffs are entitled to judgment against Defendant pursuant to the legal doctrines of: Wrongful Death, Negligence and Loss of Consortium. As such, Plaintiffs are entitled to prejudgment attachment against Defendant’s assets.

Plaintiffs ultimately anticipate recovering judgment for pecuniary damages, medical expenses and funeral expenses, as well as compensation for emotional distress and loss of comfort and companionship. Because Title 18-A M.R.S.A. section 2-804 authorizes damages associated with the aforementioned emotional distress, loss of comfort and companionship of as much as Five Hundred Thousand Dollars (\$500,000.00), pre-judgment attachment for this sum is appropriate, given that Plaintiffs may recover judgment for at least this amount. *See* *M.R.Civ.P.4A(a)*.

CONCLUSION

As set forth in Katherine M. Dennison’s supporting Affidavit, there is only One Hundred

Thousand Dollars (\$100,000.00) no amount of insurance, bond or other security or any other attachment on Trustee process known to Plaintiff that will be available to satisfy any judgment or subsequent collection proceeding against Defendant in this action.

Defendant owes Plaintiff a sum ultimately to be determined by a court of law, but likely Five Hundred Thousand Dollars or more, plus interest and costs. As established by this Memorandum of Law and supporting Affidavit, it is more likely than not that Plaintiffs will recover judgment against Defendant. Accordingly, this Court should grant Plaintiff's Motion for Pre-judgment Attachment and Attachment on Trustee Process.

WHEREFORE, Plaintiff moves this Honorable Court to approve Prejudgment Attachment and Attachment on Trustee Process against Defendant's property in the amount of Five Hundred Thousand Dollars (\$500,000.00) plus interest and costs.

Dated at South Portland, Maine, this 10th day of March, 2016.

AINSWORTH, THELIN & RAFTICE, P.A.



Robert M. Raftice, Jr., Esq.; Bar No. 7563
Michael F. Vaillancourt, Esq.; Bar No. 9030
Attorneys for Plaintiff Katherine M. Dennison, in
the capacity of Personal Representative of the
Estate of Herbert B. Dennison, Sr.

AINSWORTH, THELIN & RAFTICE, P.A.
Seven Ocean Street
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South Portland, ME 04116-2412
(207) 767-4824

NOTICE

Any opposition to this motion pursuant to Rule 7(c) of the Maine Rules of Civil Procedure must be filed no later than twenty-one (21) days after the filing of this motion unless another time is provided by the Maine Rules of Civil Procedure or set by the Court. Failure to file timely opposition will be deemed a waiver of all objections to the motion, which may be granted without further notice or hearing.

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-

KATHERINE M. DENNISON, both)
individually and in her capacity as Personal)
Representative of the ESTATE OF)
HERBERT B. DENNISON, SR.,)

Plaintiffs)

v.)

CHRISTINE D. SHARP-LOPEZ, an)
individual now or formerly residing in Cape)
Elizabeth, Cumberland County, State of)
Maine, and)

BERNARD J. LOPEZ, an individual now or)
formerly residing in Cape Elizabeth,)
Cumberland County, State of Maine, and)

THE TOWN OF CAPE ELIZABETH, a)
political subdivision of the State of Maine,)

Defendants)

**AFFIDAVIT OF
KATHERINE M. DENNISON
IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PREJUDGMENT ATTACHMENT AND
ATTACHMENT ON TRUSTEE
PROCESS**

NOW COMES Katherine M. Dennison, both individually and in her capacity as Personal Representative of the Estate of Herbert B. Dennison, Sr., and first being duly sworn and pursuant to M.R.Civ.P. 4A(g) does depose and state as follows:

1. My name is Katherine M. Dennison, and I am competent to testify to the matters set forth in this Affidavit. I am over the age of eighteen (18), and I was the wife of Herbert B. Dennison, Sr. ("Herbert Dennison"), prior to his death.

2. The facts set forth in this Affidavit are based upon my own personal knowledge, information or belief and from the records and documents that I believe to be true and accurate. I believe that all information contained within this Affidavit and within any documents attached and incorporated herein is true.
3. In addition to being Herbert Dennison's wife, I have been duly authorized by the Probate Court in Cumberland County, Maine to act as the Personal Representative for the Estate of Herbert B. Dennison, Sr.
4. On November 24, 2014 at approximately 10:30 a.m., Herbert Dennison was disposing of household garbage at the Cape Elizabeth, Maine, transfer and recycling center located on Dennison Drive, in Cape Elizabeth, Maine.
5. Herbert Dennison had entered the "trash hopper" area with his garbage and as he tossed the garbage into the "hopper", was struck and killed by Defendant Christine Sharp-Lopez, as she backed a 2002 Ford Sport Utility Vehicle owned by Defendant Bernard Lopez into the same "hopper" area.
6. Defendant Christine Sharp-Lopez was operating her vehicle at an imprudent speed and failed to brake, such that her vehicle struck Herbert Dennison with such force that he flew through the air and into the hopper, and Defendant Christine Sharp-Lopez's vehicle then hit the concrete barrier in front of the hopper and came to rest with the rear bumper of the vehicle on top of the barrier.

7. In fact, a video camera maintained by the Town of Cape Elizabeth captured the entirety of this incident. The impact was such that it killed Herbert Dennison.
8. I, and Herbert Dennison's Estate, suffered significant harm relative to Herbert Dennison's personal injuries and ensuing death.
9. Additionally, I have suffered greatly following my husband's death. At the time of his death, Herbert was seventy-nine (79) years old, and we had been married for 58 years, during which time we raised three (3) children together.
10. Over these many years I have depended upon Herbert for comfort and companionship, as well as assistance with household and family responsibilities.
11. Losing Herbert has left me heartbroken and lonely. I miss him every day.
12. I wish that Herbert could be with me, but of course understand that unfortunately the only remedy available to me is a money judgment, which, I believe will be, at a minimum, Five Hundred Thousand Dollars (\$500,000.00) pursuant to Maine's Wrongful Death Act.
13. The Defendants, Christine Sharp-Lopez and Bernard Lopez, have a \$100,000.00 liability insurance policy, but I am not aware of any other insurance, bond or other security, or any other attachment or trustee process that is available to satisfy any judgment against the Defendant, Christine Sharp-Lopez, and/or the Defendant, Bernard Lopez, in this action.

Affiant further sayeth naught.

Dated: January 11th, 2016

Katherine M. Dennison
Katherine M. Dennison

STATE OF MAINE
CUMBERLAND, ss

Then personally appeared Katherine M. Dennison, both individually and in her capacity as Personal Representative of the Estate of Herbert B. Dennison, Sr. and did make oath that the foregoing statements by her are true and accurate to the best of her knowledge, information and belief, and insofar as such statements are based upon information and belief, she believes said information to be true, before me,

Dated: January 11th, 2016

[Signature]
~~Notary Public/Attorney at Law~~
[Signature]

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-

KATHERINE M. DENNISON, in the
capacity of Personal Representative of the
ESTATE OF HERBERT B. DENNISON,
SR., now or formerly residing in Cape
Elizabeth, Cumberland County, State of
Maine, and

KATHERINE M. DENNISON, an
individual now or formerly residing in Cape
Elizabeth, Cumberland County, Maine,

Plaintiffs

v.

CHRISTINE D. SHARP-LOPEZ, an
individual now or formerly residing in Cape
Elizabeth, Cumberland County, State of
Maine, and

THE TOWN OF CAPE ELIZABETH, a
political subdivision of the State of Maine,

Defendant

**ORDER ON PLAINTIFFS' MOTION
FOR PREJUDGMENT ATTACHMENT
AND ATTACHMENT ON TRUSTEE
PROCESS**

Upon consideration of Plaintiffs' Motion for Prejudgment Attachment and Attachment on Trustee Process and upon Affidavit, the Court finds that it is more likely than not that the Plaintiffs will recover judgment in an amount equal to or greater than Five Hundred Thousand Dollars (\$500,000.00), plus prejudgment interest and reasonable attorneys' fees and costs of court; that there is no liability insurance, bond or other security, property or credits attached by other Writ of Attachment or by Trustee Process available to satisfy any judgment against it in this action; and therefore, it is hereby

ORDERED

That prejudgment attachment, including attachment on trustee process, may be made against the property of Defendant Christine D. Lopez-Sharp, in an amount not to exceed Five Hundred Thousand Dollars (\$500,000.00), plus pre-judgment interest at a rate of Eighteen Percent (18%) per annum in the sum of \$ _____, plus reasonable attorneys' fees in the sum of \$ _____ for a total attachment and attachment on trustee process of \$ _____.

DATED: _____

Justice, Superior Court