

The Plaintiffs, by and through their counsel, move this Court for summary judgment pursuant to M. R. Civ. P. 56. The basis for this motion is set forth in Plaintiffs' *Combined Brief in Support of Motion for Summary Judgment and Response to Motion to Dismiss* and supporting affidavits.

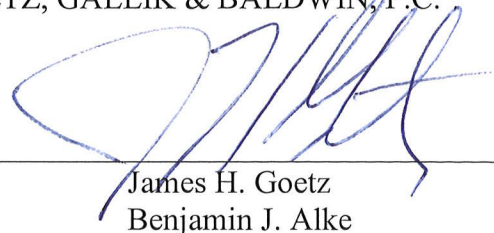
Defendant moved to dismiss Plaintiffs' claims based on M. R. Civ. P. 12(b)(6) on October 29, 2010. Plaintiffs' *Combined Brief in Support of Motion for Summary Judgment and Response to Motion to Dismiss* also responds to Defendant's *Motion to Dismiss*. "If, on a motion asserting the defense number (6) to dismiss for failure of the pleading to state a claim upon which relief can be granted, matters outside the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 56" M. R. Civ. P. 12(b).

Plaintiffs respectfully request that the Court render summary judgment in their favor.

RESPECTFULLY SUBMITTED this 10th day of December, 2010.

GOETZ, GALLIK & BALDWIN, P.C.

By: _____



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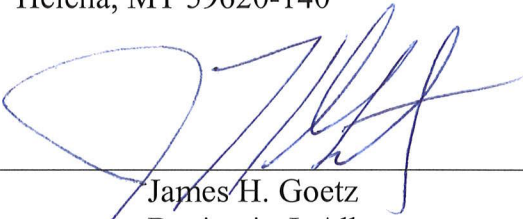
ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served on the following counsel of record, by the means designated below, this 10th day of December, 2010.

- U.S. Mail
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