

**PERKINS
THOMPSON**

Mailing Address
PO Box 426
Portland, ME 04112
Office 207.774.2635
Fax 207.871.8026

Physical Address
One Canal Plaza
Portland, ME 04101

www.perkinsthompson.com

February 29, 2024

Shelley Sawyer, Clerk
Cumberland County Superior Court
205 Newbury Street – Ground Floor
Portland, ME 04101

Re: *Peter and Kathy Masucci, et al. v. Judy's Moody LLC, et al.*
Docket No. RE-21-35

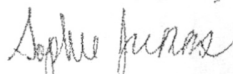
Dear Ms. Sawyer:

On February 29, 2024, this Firm hand delivered Defendant Ocean 503, LLC's Notice of Cross Appeal. The filing did not include the required Notice of Appeal form and check in the amount of \$175 for the filing fee.

Enclosed for filing on behalf of Defendant Ocean 503, LLC, please find the Notice of Appeal form and a check in amount of \$175 as payment for the filing fee.

Thank you for your assistance in this matter.

Sincerely,



Sophie Jenkins
Paralegal

JGT/skj
Enc.

cc: Robert H. Thomas, Esq.; David Silk, Esq.; Paige Gilliard, Esq.; Benjamin E. Ford, Esq.; Sandra J. Guay, Esq.; Gordon R. Smith, Esq.; Lauren E. Parker, AAG; Scott W. Boak, AAG; (via email); Orlando Delogu, *pro se* (via email and U.S. mail)

Mark and Corliss Montesi (via email)

RECEIVED
MAR 01 2024
Clerk's Office
Maine Supreme Judicial Court

REC'D CUMB CLERKS OFC
FEB 29 '24 PM 3:06

STATE OF MAINE
CUMBERLAND, SS.

SUPERIOR COURT
DOCKET NO. PORSC-RE-2021-0035

PETER AND KATHY MASUCCI, ET AL.,)
)
 Plaintiffs,)
)
 v.)
)
 JUDY'S MOODY LLC, OA 2012 TRUST,)
 OCEAN 503 LLC, JEFFERY AND)
 MARGARET PARENT,)
)
 Defendants,)
)
 v.)
)
 AARON FREY, in his capacity as Attorney)
 General of the State of Maine,)
)
 Party-in-Interest.)

NOTICE OF CROSS APPEAL
(M.R. App. P. 2C(a))

RECEIVED

MAR 01 2024

(Title to Real Estate Involved) Clerk's Office
Maine Supreme Judicial Court

Notice is hereby given that Defendant Ocean 503 LLC ("Ocean 503"), pursuant to Rule 2C(a)(1) and (2) of the Maine Rules of Appellate Procedure, to the extent the Law Court considers any argument to be seeking a change in any order and/or judgment issued below, cross-appeals to the Maine Supreme Judicial Court from the Superior Court's orders entered in this proceeding, as follows:

1. April 15, 2022, Order (entered on the docket: April 19, 2022)
2. August 1, 2022, Combined Order On Pending Motions (entered on the docket: August 5, 2022)
3. January 26, 2024, Consolidated Order On Defendants' Pending Dispositive Motions (entered on the docket: February 5, 2024)

REC'D CUMB CLERKS OFC
FEB 29 '24 AM 11:01

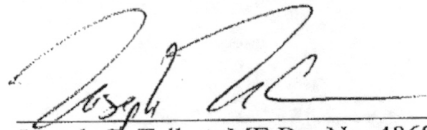
4. January 26, 2024, Order on Plaintiffs' Motion for Summary Judgment (entered on the docket: February 5, 2024)
5. January 26, 2024, Order on the Attorney General's Motion for Summary Judgment (entered on the docket: February 5, 2024)
6. January 26, 2024, Order on Justiciability (entered on docket: February 9, 2024)

Any party who wishes to be heard on this cross-appeal must file an appearance.

This is a civil cross-appeal. The first notice of appeal was filed by Plaintiffs on or about February 20, 2024.

No transcript will be ordered.

Dated at Portland, Maine this 29th day of February, 2024.



Joseph G. Talbot, ME Bar No. 4868
Emily A. Arvizu, ME Bar No. 6585
Counsel for Defendant,
Ocean 503 LLC

PERKINS THOMPSON, P.A.
One Canal Plaza, PO Box 426
Portland, ME 04112-0426
(207) 774-2635
jtalbot@perkinsthompson.com
earvizu@perkinsthompson.com

MAINE JUDICIAL BRANCH

Peter and Kathy Masucci, et al.

V.

Judy's Moody, LLC, et als.

"X" the court for filing:

- Superior Court District Court
- Unified Criminal Docket

County: Cumberland

Location (Town): Portland

Docket No.: CCSC-RE-2021-35 ✓

NOTICE OF APPEAL

- CIVIL CRIMINAL

I, (name of party appealing), Ocean 503, LLC appeal from the judgment, order or ruling entered in this proceeding on (date of order appealed from - mm/dd/yyyy) 4/19/22; 8/5/22; 2/5/24; 2/5/24; 2/5/24; 2/9/24. Any party who wishes to be heard on this appeal must file an appearance.

This is a civil appeal.

This case arises from the Maine Tort Claims Act requiring the clerk to send a copy of this Notice of Appeal to the Office of the Attorney General.

If this is a criminal appeal, check one of the following:

- The defendant is presently confined at _____
- The defendant is not in custody. The defendant's address is: _____


RECEIVED

MAR 01 2024

"X" THE APPLICABLE BOX:

- The Transcript Order form is attached.
- No transcript will be ordered.
- No electronic or other recording of the proceedings can be prepared for this civil case. Therefore, a statement in lieu of transcript will be prepared pursuant to M.R. App. P. 5(d)

Date (mm/dd/yyyy): 02/29/2024



Signature of Appellant or Appellant's Attorney

Address of Appellant or Attorney:
Joseph G. Talbot, Esq.
P.O. Box 426
Portland, ME 04112-0426

Joseph G. Talbot
 Printed name of Appellant or Appellant's Attorney
 If attorney, bar number: 4868

PLEASE NOTE: This Notice of Appeal must be filed in the court that issued the order appealed from. It will not be accepted or docketed unless (1) in a Civil case, it is accompanied by the required filing fee or a motion to waive the filing fee, and (2) if the appellant is represented, it contains the bar number of Appellant's attorney.

If this is an appeal from a civil case or a criminal case involving an adult defendant, this notice must be filed within 21 days of the entry of the judgment in the docket. If this is an appeal from a case involving the extradition of a fugitive to another state, this notice must be filed within 7 days of the entry of the judgment in the docket.

WARNING: Small Claims, Forcible Entry & Detainer and Juvenile matters have differing time limits for filing a Notice of Appeal. If this is an appeal from a Small Claims, Forcible Entry and Detainer or Juvenile matter, another form must be used which is available from the clerk.

ADA Notice: The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation contact the Court Access Coordinator, accessibility@courts.maine.gov, or a court clerk.

Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.