

STATE OF MAINE
YORK, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-08-029

STATE OF MAINE,

Plaintiff

v.

JUDGMENT

SCOTT LECLAIR, et al.,

Defendants

The State of Maine brought a six count civil complaint against Scott LeClair, Melanie Howard and Dale Roy based on alleged multiple violations of several statutes involving their conduct in operating Acadian Contractors in its timber harvesting, construction, and related activities. All of the defendants were served with a complaint and summons, they all failed to answer, the clerk entered defaults against each of them and a decision and order was signed on April 8, 2008 providing declaratory and injunctive relief while ordering substantial civil penalties. A separate hearing has been conducted, which the defendants attended and participated in, to determine the amount of restitution owed to individual landowners.

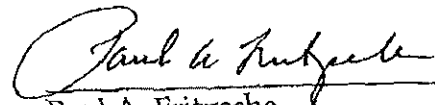
After a review of the evidence, the entry is:

Judgment for the plaintiff in the amount of \$47,514.56 against each of the defendants with pre-judgment interest at the rate of 6.42% and post-judgment interest at the rate of 9.42% plus costs and attorney's fees.

The \$47,514.56 includes restitution awarded to James Trowbridge in the amount of \$5,172.51, Robert Simmons in the amount of \$3,224.43, Melody Earle in the amount of \$5,262.67, Kathy Morgan in the amount of \$7,100.00, Albert Lessard in the amount of \$8,402.31, Karrie and Steven Myer in the amount of \$10,015.00 and John Tanguay in the amount of \$8,337.64. Any funds recovered for restitution by the State shall be

distributed on an equal percentage basis to the named financially injured individuals.

Dated: September 24, 2008


Paul A. Fritzsche
Justice, Superior Court

A TRUE COPY ATTEST


CLERK

STATE OF MAINE
YORK, ss.

SUPERIOR COURT
CIVIL ACTION
DOC. NO. ALFSC-CV-08-0029

STATE OF MAINE,

Plaintiff

v.

SCOTT R. LECLAIR, MELANIE HOWARD,
and DALE A. ROY
d/b/a ACADIAN CONTRACTORS
of Sanford, Maine,

Defendants

DECISION AND ORDER

This Court, pursuant to M.R.Civ.P. 55(b)(2), enters a default judgment against the Defendants SCOTT R. LECLAIR, MELANIE HOWARD, and DALE A. ROY on the grounds that the Defendants have been properly served with the Complaint and Summons in this matter, have failed to plead or to otherwise defend this matter, and that the Plaintiff's counsel has provided the Affidavits required by M.R.Civ.P. 55(b)(3)

In accordance with M.R.Civ.P. 65(d), the Court determines that injunctive relief is necessary to prevent the Defendants from further harming Maine landowners by soliciting timber harvesting or home repair services without complying with the following Maine laws: the Maine Unfair Trade Practices Act (UTPA), 5 M.R.S.A. §§ 205-A-214 (2002 and Supp. 2007), the Maine Consumer Solicitation Sales Act (CSSA), 32 M.R.S.A. §§ 4661-4671 (1999 and Supp. 2007), the Maine Door-to-Door Home Repair Transient Sellers Act (DHRTSA), 32 M.R.S.A. §§ 14501-14512 (1999 and Supp. 2007), the Maine Weights and Measures Law (WML), 10 M.R.S.A. §§ 2301-2755 (1997 and Supp. 2007), and the Maine Home Construction Contracts Act (HCCA), 10 M.R.S.A. §§ 1486-1490 (1997 and Supp. 2007) Since February 7, 2003 the

Defendant Scott J. LeClair has been subject to an injunction entered by the Superior Court sitting in Kennebec County restraining him from engaging in conduct in violation of the UTPA, the CSPA and the WML. Defendants Roy and Howard also had notice of this 2003 Order. That Order has not been effective in deterring these Defendants from continuing to engage in practices contrary to the Order and to the laws identified above. In particular, from 2003 through 2007, eleven (11) different landowners have been injured by Defendants' unlawful practices. Clearly more extreme injunctive relief is necessary.

Thus, the Court grants judgment to the Plaintiff on all counts and orders that:

1. Each Defendant is permanently restrained from soliciting or providing any home repair or timber harvesting services on any Maine property;
2. Each Defendant's officers, agents, servants, employees, and attorneys, as well as those persons in active concert or participation with each Defendant who receive actual notice of this Order, are permanently restrained from soliciting or providing any home repair or timber harvesting services on any Maine property;
3. The Defendants, jointly and severally, shall pay the State civil penalties in the amount of \$110,000 under the Maine Unfair Trade Practices Act and Consumer Solicitation Sales Act; \$34,000 under the Door-to-Door Home Repair Transient Sellers Act; \$22,000 under the Maine Weights and Measures Law; \$3,000 under the Home Construction Contracts Act, or, a total of \$169,000;
4. The Defendants shall pay restitution and interest to the landowners named in the Complaint, in an amount to be determined by this Court in a non-jury hearing held for the purpose of receiving testimony from the State's witnesses as to the proper amounts;

5. The Defendants, jointly and severally, shall pay the State's attorney fees and costs, to be determined by affidavit of counsel at the close of all proceedings; and
6. The Clerk shall set this matter for hearing on the issue of the appropriate amount of restitution for the landowners named in the Complaint.

Dated: April 8, 2008

Paul A. Trubek
JUSTICE, Superior Court

*This decision and order may be incorporated
by reference on the civil docket*

A TRUE COPY ATTEST

Deanne Lee
CLERK