

STATE OF MAINE  
CUMBERLAND, ss.

STATE OF MAINE SUPERIOR COURT  
CUMBERLAND CIVIL ACTION  
CLERK'S OFFICE DOCKET NO. CV-03-448 ✓

MAY 28 A 8:24

EDWARD and LINDA PULSIFER, et al.

Plaintiff

v.

ORDER ON MOTIONS FOR  
SUMMARY JUDGMENT

CITY OF PORTLAND

Defendant

This matter is before the court on the parties' motions for summary judgment on the plaintiffs' complaint.<sup>1</sup>

The complaint sets forth two arguments in support of a request for declaratory judgment and injunctive relief against the City of Portland (the City). Count I asserts that the City's home-rule authority does not give it the power to create and give legal rights to new family relationships. (Compl. ¶¶ 20-22.) Count II asserts that the City's Domestic Partnership Ordinance (the DP Ordinance) is in direct conflict with the State's marriage statutes. (Compl. ¶¶ 23-29.)<sup>2</sup>

---

<sup>1</sup> In this order, the court has implicitly dealt with the defendant's pending Motion to Strike the Whiting Affidavit and portions of the plaintiffs' statements of material facts in its independent evaluation of all of the supporting, opposing and reply statements of material facts submitted by the parties pursuant to M.R. Civ. P. 56(h). Accordingly, the court determines that there is no need to separately rule on any such motion to strike and declines to do so.

<sup>2</sup> The complaint also alleged in Count III that the City's DP Ordinance creates common law marriage. (Compl. ¶¶ 30-33.) However, the plaintiffs have withdrawn Count III with the understanding that their argument that the DP Ordinance violates public

20



## BACKGROUND

On May 21, 2001, Portland enacted Chapter 13.6 (the DP Ordinance) to its Code of Ordinances, which established a domestic partnership registry and extended certain enumerated rights and benefits to its employees and citizens who qualify as domestic partners under the DP Ordinance. The DP Ordinance became effective on June 20, 2001.

The Portland City Council enacted the DP Ordinance "in order to protect the public health, safety and welfare" after finding that:

(a) its citizens are the city's most important asset; (b) the diverse composition of its citizenry is an important part of the social fabric of the community; (c) the citizens' lives have evolved from when laws governing family relationships were enacted; (d) the traditional definition of 'family' excludes a significant segment of the Portland population, deprives them of recognition and validation, and denies certain rights that should be afforded to persons who share their homes, their hearts, their lives; [and] (e) the City is committed to non-discrimination and fair treatment of its citizens and employees . . .

*Portland, Me., Code § 13.6-21 (2001).* The ordinance defines the term "domestic partnership" as:

the entity formed by two persons who meet the following criteria and jointly file a registration statement proclaiming that:

1. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship; and
2. They reside together within the city in a shared primary residence and have resided together and been domestic partners as defined herein for a period of at least six (6) months prior to the date of registration; and
3. They are not married; and

---

policy is incorporated into Counts I and II. See Pls.' Memo in Resp. to Def.'s Mot. for Summ. J. at 5, n.2.



4. They are not related by blood closer than would bar marriage in the State of Maine; and
5. They are each other's sole domestic partner and intend to remain so indefinitely; and
6. They are competent to contract; and
7. They consider themselves a family.

*Code* § 13.6-22.

Any two persons who meet the standard set forth in section 13.6-22(1)-(7) of the DP Ordinance "may make an official record of their domestic partnership registration form with the City Clerk," which must be signed under the pains and penalties of perjury. *Code* § 13.6-23(a). A person who satisfies the criteria of section 13.6-22(d) and files a registration statement with Portland's registry is a domestic partner under the DP Ordinance. *Code* § 13.6-22(c). A person who is registered as a domestic partner in another jurisdiction is also a domestic partner under the ordinance. *Id.*

The rights and benefits afforded to qualified domestic partners are set forth in sections 13.6-26, 13.6-27, 13.6-33, and 13.6-34. Section 13.6-26 of the DP Ordinance provides "domestic partners" with (1) visitation rights in city-operated health care facilities; (2) access to school records, personnel and to children;<sup>3</sup> and (3) access to the Portland's family benefit programs. *Code* § 13.6-26.

Section 13.6-27 provides certain rights and benefits to employees and their domestic partners. *Code* § 13.6-27. Under section 13.6-27, employees of

---

<sup>3</sup> This benefit is subject to approval by the Portland School Committee and only applies to domestic partners who are also the parents or legal guardians of the child or children involved. *Code* § 13.6-26(b).



the City and the Portland School Department who are registered as domestic partners are: granted the same bereavement or funeral leave, with pay, for the death of a domestic partner or family member of a domestic partner as that provided for a spouse or family member of a spouse; granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child; and entitled to take parental leave to take care of a child born to their domestic partner or a newly adopted child to the same extent as a married person. *Id.*

Sections 13.6-33 and 13.6-34 address the applicability of the DP Ordinance to other sections of the Code and other organizations. Section 13.6-33 provides that when the terms "spouse" and "family" are used in other city ordinances, regulations or guidelines, the terms shall be interpreted to include domestic partnerships. *Code* § 13.6-33. Section 13.6-34 provides that the DP Ordinance shall apply to employees of any organization that accepts Housing and Community Development (HCD) funds from the City. *Code* § 13.6-34.

In response to the enactment of the DP Ordinance, on August 12, 2003, the plaintiffs filed this lawsuit against the City.<sup>4</sup> The plaintiffs seek a declaration that the City acted beyond its constitutional and statutory authority when it enacted an ordinance providing for the recognition and registry of domestic partnerships and extending rights and privileges of

---

<sup>4</sup> The plaintiffs all reside and are registered voters in the City. (PASMF ¶ 27 & ¶ 30.) In addition, at least the husband or the wife in each married couple – and in most cases both the husband and the wife, jointly – own real estate and pay taxes in the City. (PASMF ¶ 29.)



marriage to such partnerships, as well as urge the court to enjoin the enforcement of this ordinance and its provisions. (Compl. at 2.)

#### STANDARD OF REVIEW

A party is entitled to summary judgment where there exists no genuine issue of material fact and the moving party is entitled to a judgment as a matter of law. M.R. Civ. P. 56(c); *Cote v. Dep't Human Servs.*, 2003 ME 146, ¶ 3, 837 A.2d 140, 141. A material fact is one having the potential to affect the outcome of the suit. *Id.* The court views "the evidence together with all justifiable inferences in the light most favorable to the party opposing the motion." *Stewart v. Machias Savings Bank*, 2000 ME 207, ¶ 9, 762 A.2d 44, 46. A genuine issue exists when sufficient evidence supports a factual contest to require a fact finder to choose between competing versions of the truth at trial. *Blanchet v. Assurance Co. of Am.*, 2001 ME 40, ¶ 6, 766 A.2d 71 (citation omitted).

Here, both parties have moved for summary judgment on the plaintiffs' complaint.<sup>5</sup> For the following reasons the court grants summary judgment to the defendant on the plaintiffs' complaint in its entirety.

---

<sup>5</sup> The defendant also asserts that the plaintiffs' claims in the complaint are barred under the doctrines of standing and laches. See Def.'s Memo in Support of its Mot. for Summ. J at 5, n.6. The court finds that the complaint meets the requirements for standing, as it alleges that the DP Ordinance impacts the plaintiffs' status as husband and wife and requires them, as taxpayers, to pay for the benefits to domestic partners on an ongoing basis. See *Delogu v. City of Portland*, 2004 ME 18, ¶ 1, n.1, 843 A.2d 33, \_\_ (holding that to have standing, defendant's actions must have caused the plaintiff to "have suffered an injury that is distinct from any harm suffered by the public-at-large" and "adversely and directly affected that party's property, pecuniary, or personal rights"). Furthermore, the court finds that this action is not barred by the doctrine of laches, as the plaintiffs' decision not to assert their rights until the date of filing their complaint was not unreasonable and has not unduly prejudiced the defendant. See *Longley v. Knapp*, 1998 ME 142, ¶ 10, 713 A.2d 939, 943.



## DISCUSSION

The plaintiffs allege that the defendant acted outside of its home rule authority in enacting the DP Ordinance. A municipality's home-rule authority is governed by Article VIII, Part 2, Section 1 of the Maine Constitution and the Legislature's enabling legislation under 30-A M.R.S.A. § 3001 (2003). The Maine Constitution authorizes municipalities "to alter and amend their charters on all matters, not prohibited by the Constitution or general law, which are local and municipal in character." Me. Const. Art. VIII, pt. 2, § 1; see also *City of Bangor v. Dwa's, Inc.*, 2003 ME 51, ¶ 22 830 A.2d 898, 905; *Bird v. Town of Old Orchard*, 426 A.2d 370, 372 (Me. 1981). In addition, the enabling statute conveys a plenary grant of the state's police power to municipalities, subject only to the express or implied limitation placed on them by the Legislature. 30 M.R.S.A. § 3001; *City of Bangor*, 2003 ME 51, ¶ 24 830 A.2d at 906; *School Comm. of York v. York*, 626 A.2d 935, 939 (Me. 1993).

In light of the Constitution and the enabling statute, the Legislature's plenary grant of power will be invalidated only "(1) where it conflicts with other constitutional provisions; (2) where the Legislature has expressly prohibited local regulation; or (3) where the Legislature has intended to exclusively occupy the field and the legislation would frustrate the purpose of a state law." *City of Bangor*, 2003 ME 51, ¶ 24 830 A.2d at 906; *Int'l Paper Co. v. Town of Jay*, 665 A.2d 998 (Me. 1995); *School Comm. of York* 626 A.2d at 939. The presumption that any ordinance enacted under 3001 is a valid exercise of a municipality's home rule authority places the burden on the plaintiffs to establish that the ordinance does one of the above. 30-A M.R.S.A. § 3001(2).



A. Conflict With Other Constitutional Provisions

The plaintiffs make no argument that the DP Ordinance is in conflict with other Maine Constitutional provisions, nor does the court find it to be so.

B. Express Prohibition of Local Regulation

The plaintiffs assert that the Legislature's enactment of certain marriage laws, codified in 19 M.R.S.A. §§ 650 and 701 and known generally as the "Defense of Marriage Act" or "DOMA," expressly bar the DP Ordinance. However, the court disagrees. The statutes cited by the plaintiffs are unambiguous and must be given their plain meaning. *Ashe v. Enter. Rent-A-Car*, 2003 ME 147, 838 A.2d 1157, 1159 (to determine legislative intent, the court looks first to the statute's plain meaning). Both of the statutes address the licensing of marriage and the requisite conditions for the recognition of a foreign marriage. Nothing in these statutes expressly states that municipal employee health and medical insurance coverage, visitation at municipal health care facilities, or access to a child's school record, are benefits that must be conferred exclusively on married spouses, nor do these statutes expressly prohibit any of the other rights and benefits afforded to domestic partners under the DP Ordinance.

The legislative history of the statutes also clearly indicates that these statutes were not designed to preclude state and local efforts to protect the health, safety and welfare of Maine citizens through the allocation of government benefits. Rather, the statutes were enacted to prohibit persons of the same sex from contracting marriage. L.D. 1017 (118<sup>th</sup> Legis. 1997). Indeed,



the statutes were passed under the title, "An Act to Protect Traditional Marriage and Prohibit Same-Sex Marriage."

C. Legislative Intent to Exclusively Occupy Field of Domestic Relations

The plaintiffs assert that the Legislature's enactment of Title 19-A, a comprehensive statutory scheme of statewide regulation of domestic relations, evidences its occupation of the field of domestic relations and, hence, precludes the City from providing municipal benefits to cohabitating, unmarried couples. The court disagrees. The Legislature will be presumed to have intended to "occupy a field if it enacts a comprehensive scheme of statewide legislation. *Sawyer Envtl. Recovery Facilities, Inc. v. Town of Hampden*, 2000 ME 179, ¶ 27, 760 A.2d 257, 264. While Title 19-A provides a comprehensive statutory scheme that governs parent-child relationships, the entrance into or termination of a marriage relationship, and protection from abuse, see generally 19-A M.R.S.A. Parts I-IV, there is no basis upon which to conclude that the Legislature ever intended Title 19-A to regulate cohabitation by unmarried partners or to govern the rights and benefits of domestic partners.

Other laws and statutory schemes providing rights and benefits to domestic partners support the court's position. For example, Titles 24 and 24-A mandate health insurance providers to offer benefits to domestic partners. See 24 M.R.S.A. § 2319-A(2) (2003); 24-A M.R.S.A. §§ 2741-A(2), 2832-A, 4249(2). When passing these laws, the Legislature undoubtedly knew of the marriage restrictions cited by the plaintiffs and of the State's interest in promoting "traditional" marriage. See *Mundy v. Simmons*, 424 A.2d 135, 137 (Me. 1980) (enactments by subsequent legislature "may throw light on



legislative intent underlying previously enacted legislation and may be taken into consideration in dissipating the uncertainty of a foundational statute").

Although the plaintiffs argue that these mandates are a narrow legislative concession to Maine's health insurance crisis and not a positive statement of public policy, their argument is belied by the existence of other statutory schemes that confer rights and benefits on domestic partners. Such rights and benefits range from the implicit right of domestic partners to legal protection through the equity jurisdiction of Maine's courts, *see* 14 M.R.S.A. § 6051(7) & (13); *Libby v. Lorrain*, 430 A.2d 37, 39-40 (Me. 1981) (ordering the partition of real estate acquired by domestic partners), to the right to enter into co-guardianships. *See* 18-A M.R.S.A. § 5-204(b) (2003). Even Title 12 M.R.S.A. § 6034, governing the composition of the Commercial Fishing Safety Council, explicitly gives a domestic partner of a license holder the same right as a spouse of a license holder to sit on the Council. *See* 12 M.R.S.A. § 6034.

In addition, the plaintiffs' argument is weakened by the Maine Legislature's recent actions to increase the rights of domestic partners. Since the filing of this lawsuit, the Maine House of Representatives and Senate adopted a bill to provide domestic partners with automatic inheritance rights and the right to control the remains of their partner. *See* LEXIS 2003 Bill Tracking ME H.B. 1152. On April 12, 2004, the House passed the bill, and on April 13, 2004, it was placed on the Special Appropriations Table. *See id.*

Finally, although the court is not bound by the case law from other states, the court notes that its determination on this matter can be reconciled with a Pennsylvania case cited by the plaintiffs for the proposition that the



City's enactment of the DP Ordinance is preempted by the Legislature's intention to exclusively occupy the field of domestic relations. See *Delvin v. City of Phila.*, 809 A.2d 980 (Pa. Cmwlth. 2002), appeal granted, 2003 Pa. LEXIS 1863 (Pa., Oct. 8, 2003). In *Delvin*, the court struck down a local ordinance enacted by the City of Philadelphia creating a new marital status. See *id.* at 990 (holding that the newly amended definition of the term "marital status" to include "Life Partner" directly contradicted the General Assembly's definition of marriage). Although the DP Ordinance in the case at bar defines and gives certain rights and benefits to domestic partners, it does not declare domestic partnerships as a new type of marital status and, accordingly, does not legislate a field intended to be exclusively occupied by the legislature.<sup>6</sup> In addition, unlike in *Delvin*, the Maine Legislature has already defined and recognized domestic partnerships in other contexts.

D. Frustration of Purpose of Maine's Marriage Laws

The plaintiffs also argue that the DP Ordinance is invalid because it frustrates the purpose of Maine's marriage laws. No frustration of state law occurs unless "the application of the municipal ordinance prevents the efficient accomplishment of a defined state purpose. *Smith*, 2003 ME 46, ¶ 24, 820 A.2d 1200, 1206. The fact that a state has regulated in a certain area in the past does not bar municipal action in the same area. See *id.*

---

<sup>6</sup> The court notes that the DP Ordinance does include the following language: "the citizens' lives have evolved from when laws governing family relationships were enacted." Code § 13.6-21. However, the court disagrees that this language evidences the defendant's intention to create a new marital status. Rather the language, when read together with the rest of the section, simply recognizes that there are unmarried families in the City who, up until the time of the DP Ordinance's enactment, were not afforded the same health, safety and welfare benefits and rights afforded to married families. See *id.*



To determine whether the City's domestic partnership ordinance frustrates the purpose of Maine's Marriage laws, the court must first determine the purpose of those laws. The plain text section of section 650(2) provides helpful guidance:

2. PURPOSES. The purposes of this chapter are:

A. To encourage the traditional monogamous family unit as the basic building block of our society, the foundation of harmonious and enriching family life;

B. To nurture, sustain and protect the traditional monogamous family unit in Maine society, its moral imperatives, its economic function and its unique contribution to the rearing of healthy children; and

C. To support and strengthen traditional monogamous Maine families against improper interference from out-of-state influences or edicts.

19-A M.R.S.A. § 650(2).

In addition to looking at the plain meaning of the language of a statute, the court must give effect to the entire statutory scheme in which the text of the statute is embedded. *See Ashe*, 2003 ME 147, 838 A.2d at 1159. As discussed earlier, sections 650 and 701 were enacted in order to protect the traditional institution of marriage and to prohibit same-sex couples from entering into marriages or having their marriages in other jurisdictions recognized in Maine. The statutes cited by the plaintiffs deal exclusively with the issuance and recognition of marriage licenses in Maine.

The DP Ordinance does not frustrate the purposes of sections 650 or 701 as they relate to the context in which they are found. The ordinance applies to the extension of limited municipal rights and benefits to domestic partners, not to the regulation of marriage *per se*. It does not affect or conflict with any of



the state's provisions regarding the licensing or recognition of marriage. See *Lowe v. Broward County*, 766 So. 2d 1199, 1208 (Fla. 2000) (holding that there was no conflict between the purpose of Florida's marriage laws and the purpose of a county's domestic partnership act giving benefits to domestic partners where the impetus for the State's marriage statutes "was the fear that the full faith and credit clause of the federal constitution would require Florida to recognize same-sex marriages if another state recognized such a union"); *Schaefer v. City & County of Denver*, 973 P.2d 717, 721 (Colo. App. 1998) (agreeing that Colorado's Uniform Marriage Act "reflects a legislative intent to strengthen and preserve the integrity of marriage and the safeguarding of meaningful family relationships," but disagreeing with the assertion that the enactment of a city ordinance that extended health and dental benefits to employees having a committed relationship with persons of the same gender infringes on that purpose); *Tyma v. Montgomery County, Maryland*, 801 A.2d 148, 157 (Md. 2002) (upholding an ordinance that provided benefits to the domestic partners of county employees; holding that benefits legislation "does not infringe on the State's interest in marriage").

This case can be distinguished from Maine cases in which municipal ordinances have been deemed to frustrate state laws. See e.g. *Perkins v. Town of [illegible]* (Maine 1998) (holding that a zoning ordinance that allowed for more intensive zoning requirements where a statutory scheme entitled, "Home rule limitations" included language that made it "clear that allowing planning boards variance granting powers would frustrate the purpose of the statute"); *Ullis v.*



*Inhabitants of Town of Boothbay Harbor*, 459 A.2d 153, 158-59 (Me. 1983)

(holding that municipal officials do not have the authority to condition the granting of state liquor licenses on factors other than in the explicit statutory scheme specifically enacted to address the granting of state liquor licenses);<sup>7</sup>

*Camden and Rockland Water Company v. Town of Hope*, 543 A.2d 827, 830-31 (Me. 1988) (holding that the Legislature's grant of the right to withdraw water from a state-owned great pond deprived a town from the authority to regulate that withdrawal).

In addition, the DP Ordinance does not frustrate the purpose of marriage by creating common law marriage or by conferring on domestic partners, who have not been married under the State's system of marriage regulation, a legal status equivalent to married couples.<sup>8</sup> The rights afforded to domestic

---

<sup>7</sup> The *Ullis* court's discussion of *Norfolk v. Tiny House, Inc.*, 222 Va. 414, 281 S.E.2d 836 (1981) offers valuable insight on what the Law Court considers to be the distinction between valid and invalid ordinances:

In that case, the Virginia court upheld a local zoning ordinance that, because it prohibited all "adult uses" (including taverns) in certain areas of the city, prevented Tiny House, Inc., from selling beer even though it had a valid state liquor license. The court concluded that since the ordinance was not designed "to prevent or control the use of alcohol or to regulate the business of those who dispense of it, but only indirectly affected Tiny House's ability to sell beer, it did not conflict with Virginia's statewide liquor licensing structure. Section 8.3 of Boothbay Harbor's ordinance, on the other hand presents a direct challenge to Title 28.

*Ullis*, 459 A.2d at 160. Like the ordinance in the *Norfolk*, the City's DP Ordinance does not conflict with Maine's statewide structure involving the licensing and recognition of marriage.

<sup>8</sup> See *Slattery v. City of New York*, 266 A.D.2d 24, 25 (N.Y. App. Div. 1999) (recognizing the "enormous differences between marriage and domestic partnership" in a case involving an ordinance that provided domestic partners with 100% of the municipal benefits afforded to spouses); *Heinsma v. City of Vancouver*, P.3d 709, 713, n.3 (Wa. 2001) (holding that although some of the requisites for establishing a domestic partnership under the City of Vancouver's Ordinance paralleled those of marriage, there were fundamental differences between the two); *Tyma*, 801 A.2d at 157 (holding



partnerships under the DP Ordinance are quite different than marriages in a number of respects. First, unlike a marriage license, which the state, the federal government and many members of the county's citizenry recognize and respect, a certificate of domestic partnership is recognized only in the City of Portland. In addition, unlike married employees, City employees in domestic partnerships who leave the City's employment are no longer able to secure employee fringe benefits for a partner, nor can they compel a new employer to recognize the domestic partner status they had in Portland.

The rights and benefits afforded to domestic partners under the DP Ordinance are also far fewer than the benefits afforded to married couples. Whereas the DP Ordinance offers domestic partners several limited rights and benefits, marriage offers a panoply of rights and benefits not afforded to domestic partners.<sup>9</sup> For example, the DP Ordinance does not allow domestic partners to claim the rights of a spouse with respect to access to divorce, child custody, property division, or support. Nor does the ordinance permit domestic partners to make loss of consortium claims, bring wrongful death suits, claim spousal privilege in legal actions, or inherit from their domestic partner in the absence of a will.

Finally, the court notes that although sections 13.6-26(d) and 13.6-33,

---

that the enactment of an ordinance that extends employment benefits to the domestic partners of county employees did not "define, redefine or regulate marriage").

<sup>9</sup> See *Lowe*, 766 So. 2d at 1205-06 (holding that a county's domestic partnership act did not give the same statutory rights and obligations exclusive to the traditional marriage relationship to domestic partners).



Maine's marriage laws or other laws, these sections presently do not frustrate any state laws and are legally part of the DP Ordinance. See 30-A M.R.S.A. § 3001.<sup>10</sup> Moreover, the question of future application of these sections is not ripe for judicial review. See *Crawford v. City of Chicago*, 710 N.E.2d 91, 95-96 (Ill. App. Ct. 1999) (upholding the circuit court's determination that a domestic partnership ordinance granting health benefits was lawfully enacted but determining that "plaintiffs' apprehensions that non-health benefits may be provided at some unidentified future time" were not ripe for review); cf. *Hathaway v. City of Portland*, 2004 ME 47, ¶ 11, \_\_A.2d\_\_ (holding that "a justiciable case or controversy involves a claim of present and fixed rights, as opposed to hypothetical or future rights") (citation and quotation omitted).

Based on the foregoing analysis the court concludes that the City of Portland acted within its home rule authority in enacting the DP Ordinance and that the ordinance does not frustrate the purpose of any State law. Accordingly, summary judgment in favor of the plaintiffs is appropriate.

---

<sup>10</sup> The plaintiffs offer no reasonable support for their position that these sections presently frustrate Maine's marriage laws. The plaintiffs' supplemental brief on the issue cites one section of the Code, section 2-102, and asserts that by substituting the term "domestic partner" for spouse in section 2-102 of the Code, the DP Ordinance frustrates the purpose of marriage by empowering the clerk to issue marriage licenses to same-sex domestic partners of city employees. Section 2-102 reads, in pertinent part:

A right of survivorship, in the spouse of a retiree married to the retiree on the date of retirement, shall be recognized in the case of any retiree who sustained a service-connected disability, such benefits to the prospective only.

Code § 2-102. The court finds the plaintiffs' modified interpretation of the ordinance unlikely and unreasonable. The court also disagrees with the plaintiffs' secondary argument that although when read alone such modifications to individual sections may not frustrate the purpose of Maine's marriage laws, when read collectively these modifications frustrate the purpose of the state's marriage laws.

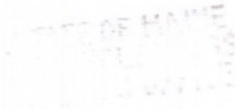


PORTLAND

04-07-26

FINAL JUDGMENT

STATE OF MAINE  
Cumberland, ss.



SUPERIOR COURT  
Civil Action  
Docket No. CV-03-448

EDWARD and LINDA PULSIFER, et als. )

Plaintiffs )

v. )


CITY OF PORTLAND )

Defendant )

FINAL  
JUDGMENT

After briefing and argument and disposition of the cross motions for summary judgment in favor of defendant, final judgment is entered in favor of defendants and against plaintiffs on all claims.

7/26/04  
~~July, 2004~~

  
Thomas E. Humphrey  
Justice, Superior Court