

STATE OF MAINE
CUMBERLAND, ss

STATE OF MAINE
CUMBERLAND, SS
CLERK'S OFFICE

SUPERIOR COURT ✓
CIVIL ACTION
DOCKET NO. CV-00-257

ZAGONYI B. TUNGATE, SEP 4 10 09 AM '01

Plaintiff

v.

WILLIAM D. GARDNER, JR.,

Defendant

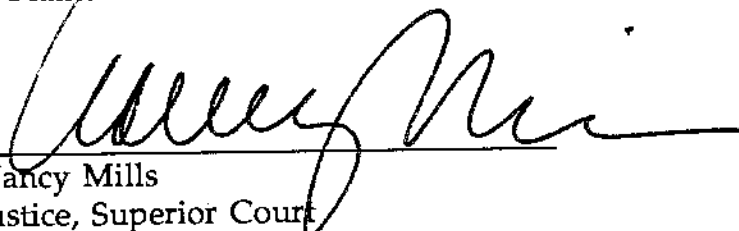
ORDER ON DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT

The defendant seeks a summary judgment on the plaintiff's complaint and argues that the plaintiff's claims are barred by res judicata. There are no material issues of fact in dispute. The same parties or their privies were involved in the small claims action brought by the plaintiff in district court in 1994. A valid final judgment was entered in that action. The matters presented for decision were or might have been litigated in the prior small claims action. See Dep't of Human Servs. v. Comeau, 663 A.2d 46, 48-49 (Me. 1995); Northeast Harbor Golf Club, Inc. v. Town of Mount Desert, 618 A.2d 225, 227 (Me. 1992); Caporino v. Lacasse, 511 A.2d 445, 447-48 (Me. 1986); RESTATEMENT (SECOND) OF JUDGMENTS § 41(1)(b) (1982); Allstate Policy, § II.

The entry is

The Defendant's Motion for Summary Judgment is GRANTED. Judgment is entered in favor of the Defendant and against the Plaintiff on the Plaintiff's Complaint.

Date: September 2, 2001


Nancy Mills
Justice, Superior Court

Date Filed 04-24-00 CUMBERLAND Docket No. CV 00-257
County

Action PERSONAL INJURY

ZAGONYI B. TUNGATE

WILLIAM D. GARDNER, JR.

vs.

Plaintiff's Attorney

DANIEL G. KAGAN ESQ 784-3576
PO BOX 961, LEWISTON ME 04243

Defendant's Attorney

MARK DUNLAP, ESQ. 774-7000
P. O. BOX 4600
PORTLAND, MAINE 04112-4600

Date of
Entry