

STATE OF MAINE  
CUMBERLAND, ss

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CLERK'S OFFICE

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

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

Plaintiff

v.

ORDER ON DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT

WILLIAM D. GARDNER, JR.,

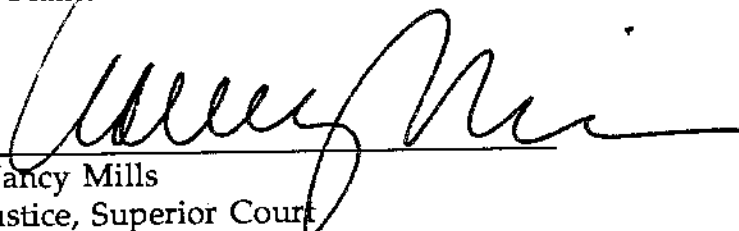
Defendant

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

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Date of  
Entry