

STATE OF MAINE
CUMBERLAND, ss.

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CLERK'S OFFICE

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-02-148

2002 SEP -4 P 2: 41

REC - CIV - 9/4/02 ✓

CLIFFORD G. DOW, II,

Plaintiff

v.

TOWN OF NEW GLOUCESTER,

Defendant

DONALD L. GARBRECH
LAW LIBRARY

ORDER ON
MOTION TO DISMISS

SEP 10 2002

The defendant Town of New Gloucester moves to dismiss the plaintiff's complaint, which alleges that his property was taken without just compensation or due process in violation of his constitutional rights, and that he was wrongfully billed \$500 for the Town's attorney's fees.


These same claims were made in an earlier action in this court. Clifford G. Dow II v. Town of New Gloucester (Cum. Cty Ap-01-078) which was dismissed with prejudice by stipulation dated January 11, 2002.

That action involved the same parties, was reduced to final judgment and the same claims either were presented for decision in the earlier action or could have been joined. Camps Newfound/Owatonna v. Town of Harrison, 705 A.2d 1109, 1115 (Me. 1998).

Therefore this action is barred by *res judicata*.

The entry is: Motion to dismiss granted. Plaintiff's complaint dismissed with prejudice.

Dated: September 4, 2002



Robert E. Crowley
Justice, Superior Court

CLIFFORD G. DOW II - PLAINTIFF
150 TARGETT ROAD
NEW GLOUCESTER ME 04260

SUPERIOR COURT
CUMBERLAND, ss.
Docket No PORSC-CV-2002-00148

vs
TOWN OF NEW GLOUCESTER - DEFENDANT

DOCKET RECORD

Attorney for: TOWN OF NEW GLOUCESTER
CHRISTOPHER S NEAGLE
VERRILL & DANA
ONE PORTLAND SQUARE
PO BOX 586
PORTLAND ME 04112-0586

Filing Document: COMPLAINT

Minor Case Type: CONSTITUTIONAL/CIVIL RIGHTS

Filing Date: 03/28/2002

Docket Events:

03/28/2002 FILING DOCUMENT - COMPLAINT FILED ON 03/28/2002
WITH EXHIBIT A.

03/28/2002 Party(s): CLIFFORD G. DOW II
SUMMONS - CIVIL SUMMONS FILED ON 03/28/2002
UNSERVED SUMMONS.

04/25/2002 Party(s): CLIFFORD G. DOW II
SUMMONS - CIVIL SUMMONS FILED ON 04/25/2002

04/25/2002 Party(s): CLIFFORD G. DOW II
SUMMONS - CIVIL SUMMONS SERVED ON 04/19/2002
UPON TOWN OF NEW GLOUCESTER TO WILLIAM PASQUETTE CODES ENFORCEMENT OFFICER.

05/06/2002 Party(s): TOWN OF NEW GLOUCESTER
OTHER FILING - ENTRY OF APPEARANCE FILED ON 05/06/2002
CHRIS NEAGLE, ESQ. ON BEHALF OF DEFENDANT TOWN OF NEW GLOUCESTER FOR THE LIMITED PURPOSE
OF PRESENTING DEFENDANT'S MOTION TO DISMISS TO THE COURT.

05/06/2002 Party(s): TOWN OF NEW GLOUCESTER
ATTORNEY - RETAINED ENTERED ON 05/06/2002
Defendant's Attorney: CHRISTOPHER S NEAGLE

05/06/2002 Party(s): TOWN OF NEW GLOUCESTER
MOTION - MOTION TO DISMISS FILED ON 05/06/2002
DEFENDANT'S MOTION TO DISMISS AND MEMORANDUM OF LAW WITH REQUEST FOR HEARING AND PROPOSED
ORDER.

05/09/2002 Party(s): CLIFFORD G. DOW II
OTHER FILING - OPPOSING MEMORANDUM FILED ON 05/09/2002
OPPOSITION TO DEFENDANTS MOTION TO DISMISS.

05/09/2002 Party(s): CLIFFORD G. DOW II
MOTION - OTHER MOTION FILED ON 05/09/2002
PLAINTIFF'S MOTION TO REQUEST A HEARING AND POSSIBLE RULING ON PLAINTIFF'S COMPLAINT WITH
EXHIBIT A.