

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2021 ND 191

Jeffrey Allen Dunford,

Plaintiff and Appellant

v.

Truman E. Tryhus, Jr. a/k/a
Trueman E. Tryhus Estate -
deceased and T&J Investment
(Joan Tryhus),

Defendants and Appellees

No. 20210146

Appeal from the District Court of Cass County, East Central Judicial District,
the Honorable John C. Irby, Judge.

AFFIRMED.

Per Curiam.

Jeffrey A. Dunford, self-represented, San Diego, California, plaintiff and
appellant; submitted on brief.

Ryan C. McCamy, Fargo, North Dakota, for defendants and appellees;
submitted on brief.

Dunford v. Tryhus
No. 20210146

Per Curiam.

[¶1] Jeffrey Dunford appeals from a district court order dismissing his complaint alleging child abuse, and an order denying his request for a hearing. We summarily affirm under N.D.R.App.P. 35.1(a)(1) and (7), and award costs and attorney’s fees.

[¶2] In 2008, Dunford alleged his former dentist, Trueman Tryhus, sexually abused him between 1965 and 1969. Tryhus moved for summary judgment, asserting the claim was barred by the statute of limitations. The district court granted summary judgment in favor of Tryhus, and we affirmed. *Dunford v. Tryhus*, 2009 ND 212, 776 N.W.2d 539. In February 2021, Dunford alleged the same claim against the Defendants. The Defendants moved to dismiss, and the district court granted the dismissal. We summarily affirm, concluding the claim is barred by res judicata. *See Ungar v. N.D. State Univ.*, 2006 ND 185, ¶ 11, 721 N.W.2d 16 (“Res judicata, or claim preclusion, prevents relitigation of claims that were raised, or could have been raised, in prior actions between the same parties or their privies.”). Further, we conclude Dunford has failed to adequately brief the district court’s denial of his request for a hearing on the motion to dismiss. *See State v. Noack*, 2007 ND 82, ¶ 8, 732 N.W.2d 389 (noting we will not consider an argument that is not adequately articulated, supported, and briefed).

[¶3] The Defendants argue the appeal is frivolous and they are entitled to costs and attorney’s fees as provided in their attorney’s affidavit filed with the Court. We agree and award attorney’s fees in the amount of \$2,622.60 and single costs. *See* N.D.R.App.P. 38.

[¶4] Jon J. Jensen, C.J.
Gerald W. VandeWalle
Daniel J. Crothers
Lisa Fair McEvers
Jerod E. Tufte