

ROBERT J. MONTGOMERY

v.

SPINGLASS MANAGEMENT GROUP, LLC

Submitted on Briefs September 23, 2010

Decided October 28, 2010

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, SILVER, MEAD, and
JABAR, JJ.

MEMORANDUM OF DECISION

Robert J. Montgomery appeals from a judgment entered in the Superior Court (Androscoggin County, *Delahanty, J.*) dismissing his complaint against Spinglass Management Group, LLC alleging breach of fiduciary duty, waste, and gross negligence. Contrary to Montgomery's contentions, the court did not err in concluding that the doctrine of collateral estoppel barred his gross negligence claim. *See Beal v. Allstate Ins. Co.*, 2010 ME 20, ¶ 17, 989 A.2d 733, 739-40; *Portland Water Dist. v. Town of Standish*, 2008 ME 23, ¶ 7, 940 A.2d 1097, 1099; *Machias Sav. Bank v. Ramsdell*, 1997 ME 20, ¶ 11, 689 A.2d 595, 599. Montgomery does not challenge the portion of the judgment dismissing his remaining claims, and, accordingly, we do not disturb it. *See Holland v. Sebunya*, 2000 ME 160, ¶ 9 n.6, 759 A.2d 205, 209.

The entry is:

Judgment affirmed.

Attorney for Robert J. Montgomery:

David J. Van Dyke, Esq.
Hornblower Lynch Rabasco & Van Dyke, P.A.
261 Ash Street
Lewiston, Maine 04240

Attorney for Spinglass Management Group, LLC:

Jerrold A. Crouter, Esq.
Drummond Woodsum & MacMahon
84 Marginal Way, Suite 600
Portland, Maine 04101

Androscoggin County Superior Court docket number CV-2009-89
FOR CLERK REFERENCE ONLY