

JOHN P. ALLEN

v.

ANDREWS B. CAMPBELL et al.

Submitted on Briefs December 1, 2010

Decided December 9, 2010

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

#### MEMORANDUM OF DECISION

John P. Allen appeals from a decision of the Superior Court (Sagadahoc County, *Horton, J.*) granting summary judgment in favor of Andrews B. Campbell and Rick G. Winling on Allen's claims, which are based on allegations of theft, failure to report the theft, and legal malpractice. Contrary to Allen's contentions, the court did not err in determining that the claims of theft and failure to report are precluded under the doctrine of res judicata because (1) the same parties are involved in this action and a prior action for defamation brought by Campbell and Winling against Allen; (2) a valid final judgment was entered in the prior action; and (3) the matters presented for decision in this action were or might have been litigated in the prior action. See *Guardianship of Jewel M.*, 2010 ME 80, ¶¶ 38, 40, 2 A.3d 301, 310; M.R. Civ. P. 13(a)(1). The court did not err in granting summary judgment in favor of Campbell and Winling on the legal malpractice claim because Allen failed to designate an expert witness. See *Kurtz & Perry, P.A. v. Emerson*, 2010 ME 107, ¶¶ 15, 26, --- A.3d ---, ---; *Corey v. Norman, Hanson & DeTroy*, 1999 ME 196, ¶¶ 10, 13, 742 A.2d 933, 938, 940.

The entry is:

Judgment affirmed.

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