

DANIEL G. LILLEY LAW OFFICES, P.A.

v.

CAMDEN NATIONAL BANK et al.

Argued April 12, 2012

Decided May 10, 2012

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

MEMORANDUM OF DECISION

Daniel G. Lilley Law Offices, P.A., appeals from a judgment entered in the Business and Consumer Docket (*Nivison, J.*) granting the motions of Camden National Bank and the State of Maine Department of Environmental Protection to dismiss Lilley's claim for attorney fees, due to Lilley's failure to state a claim upon which relief can be granted, pursuant to M.R. Civ. P. 12(b)(6). Lilley's claims are based on the common fund doctrine, unjust enrichment, and quantum meruit. The Bank became a judgment creditor of Lilley's client, Steamship Navigation Company, as a result of a foreclosure action, but that award was offset by a judgment Lilley obtained on behalf of Steamship against the Bank based on a lender liability claim. *Camden Nat'l Bank v. S.S. Navigation Co.*, 2010 ME 29, ¶¶ 3-8, 991 A.2d 800; *Camden Nat'l Bank v. Dunican*, Mem-07-84 (May 8, 2007); *S.S. Navigation Co. v. Camden Nat'l Bank*, 2006 ME 11, ¶¶ 6-9, 889 A.2d 1014. The State became a judgment creditor of Steamship as a result of an environmental enforcement action. *Camden Nat'l*, 2010 ME 29, ¶¶ 2, 9, 991 A.2d 800. In addition to the fee Lilley obtained from its representation of Steamship, Lilley asserts that the Bank and the State should be required to pay a portion of the judgments they obtained because they benefitted from Lilley's provision of legal services to Steamship. Contrary to Lilley's contentions, the court did not err in

concluding that Lilley failed to state a claim. *See McCormick v. Crane*, 2012 ME 20, ¶ 5, 37 A.3d 295 (stating the standard of review); *Estate of Anderson*, 2010 ME 10, ¶ 10, 988 A.2d 977 (stating the elements of a claim of unjust enrichment); *Runnells v. Quinn*, 2006 ME 7, ¶ 10, 890 A.2d 713 (same for quantum meruit); *York Ins. Group of Me. v. Van Hall*, 1997 ME 230, ¶ 6, 704 A.2d 366 (same for the common fund doctrine).

The entry is:

Judgment affirmed.

On the briefs:

Tina Heather Nadeau, Esq., Daniel G. Lilley Law Offices, P.A., Portland, for appellant Daniel G. Lilley Law Offices, P.A.

John H. Montgomery, Esq., Asha A. Echeverria, Esq., and Travis M. Brennan, Esq., Bernstein Shur, Portland, for cross-appellant Camden National Bank

William J. Schneider, Attorney General, and Christopher C. Taub, Asst. Atty. Gen., Augusta, for appellee Department of Environmental Protection

At oral argument:

Tina Heather Nadeau, Esq., for appellant Daniel G. Lilley Law Offices, P.A.

John H. Montgomery, Esq., for cross-appellant Camden National Bank

Christopher C. Taub, Asst. Atty. Gen., for appellee Department of Environmental Protection