

DANIEL A. OUELLETTE

v.

KAREN MOSHER

Submitted on Briefs July 1, 2015  
Decided August 4, 2015

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

MEMORANDUM OF DECISION

Daniel A. Ouellette appeals from a judgment entered in the District Court (Augusta, *Dow, J.*), granting Karen Mosher’s motion to dismiss Ouellette’s complaint for protection from harassment for failure to state a claim on which relief can be granted. *See* M.R. Civ. P. 12(b)(6). Contrary to Ouellette’s contention, the court did not err in granting the motion to dismiss because Ouellette did not meet his burden of “alleging in the complaint that [Mosher] committed three or more acts of intentional intimidation, including non-physical acts, that [Ouellette] has interpreted as directly threatening.” *Nadeau*, 2014 ME 154, ¶ 7, 108 A.3d 1254; *see* 5 M.R.S. § 4651(2)(A). Additionally, we find no merit in Ouellette’s contention that his due process rights were violated when the court continued the hearing after Ouellette, who was incarcerated, did not appear. *See Bradshaw v. Bradshaw*, 2005 ME 14, ¶ 9, 866 A.2d 839.

The entry is:

Judgment affirmed.

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**On the briefs:**

Daniel A. Ouellette, pro se appellant

Kenneth W. Lehman, Esq., and Molly B. Gilligan, Esq.,  
Bernstein, Shur, Sawyer & Nelson, Portland, for appellee Karen  
Mosher

Augusta District Court docket number PA-2014-275  
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