

TOWN OF ANSON

v.

CLAUDIA G. VILES

Submitted on Briefs January 23, 2020
Decided January 30, 2020

Panel: ALEXANDER, MEAD, GORMAN, JABAR, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

Claudia G. Viles appeals from a summary judgment entered by the Superior Court (Somerset County, *Mullen, D.C.J.*) in favor of the Town of Anson on the Town's claim for conversion against Viles.¹ Contrary to Viles's contentions, the court did not err when it concluded that the summary judgment record conclusively established, as a matter of law, Viles's liability for civil conversion. *See* M.R. Civ. P. 56(c), (e), (h); M.R. Evid. 803(22), 902(4), 1005; *Brooks v. Lemieux*, 2017 ME 55, ¶ 9, 157 A.3d 798; *Gray v. TD Bank, N.A.*, 2012 ME 83, ¶ 10, 45 A.3d 735; *Hanover Ins. Co. v. Hayward*, 464 A.2d 156, 159-61 (Me. 1983); Restatement (Second) of Judgments § 85(2)(a) & cmt. e (Am. Law Inst. 1982). Nor did the court err when it determined that the summary judgment record also established, as a matter of law, the amount of damages awarded in the Town's favor. *See* M.R. Civ. P. 8(c), 56(c), (h); *State v. Gagne*, 2019 ME 7, ¶ 23, 199 A.3d 1179; *Beal v. Allstate Ins. Co.*, 2010 ME 20, ¶¶ 14, 17, 989 A.2d 733; *Inniss v. Methot Buick-Opel, Inc.*, 506 A.2d 212, 217-18

¹ For reasons that are not clear to us, the Town sought this judgment despite the fact that a separate civil judgment already exists, requiring Viles to pay the Town \$566,257.65 as compensation for the injury associated with this case. *See* 17-A M.R.S. § 1330-C (2018).

(Me. 1986); *see also Kerley v. Weber*, 238 Cal. Rptr. 3d 781, 786-87 (Cal. Ct. App. 2018); *Benedick v. Mohr*, 600 N.E.2d 63, 65-68 (Ill. App. Ct. 1992); *Kuriansky v. Profl Care, Inc.*, 551 N.Y.S.2d 695, 696-97 (N.Y. App. Div. 1990).

The entry is:

Judgment affirmed.

Jason Dionne, Esq. Isaacson & Raymond, P.A., Lewiston, for appellant Claudia Viles

Mark V. Franco, Esq., Drummond Woodsum, Portland, for appellee Town of Anson

Somerset County Superior Court docket number CV-2015-20
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