

MARTINA M. SULLIVAN

v.

NATHANIEL WARREN-WHITE et al.

Submitted on Briefs July 13, 2021  
Decided July 20, 2021

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

#### MEMORANDUM OF DECISION

Martina M. Sullivan appeals from the Superior Court's (Cumberland County, *Warren, J.*) entry of summary judgment in favor of Nathaniel and Elizabeth Warren-White on Sullivan's complaint alleging that the Warren-Whites trespassed onto Sullivan's side of a disputed boundary line, damaged her property, and erected a spite fence. Contrary to Sullivan's assertion, the court did not err in granting summary judgment to the Warren-Whites given the portions of the parties' statements of material fact that were properly supported and the record evidence to which they referred. *See Holmes v. E. Me. Med. Ctr.*, 2019 ME 84, ¶¶ 14, 16, 208 A.3d 792; *Cach, LLC v. Kulas*, 2011 ME 70, ¶ 11, 21 A.3d 1015; *Johnson v. McNeil*, 2002 ME 99, ¶ 8, 800 A.2d 702; M.R. Civ. P. 56(c), (e), (h).

The Warren-Whites have moved for sanctions pursuant to M.R. App. P. 13(f). Because Sullivan is appealing from a grant of summary judgment, which requires us to review the summary judgment record in the light most favorable to her and assigns the initial burden to the Warren-Whites, *see Holmes*, 2019 ME 84, ¶¶ 14, 16, 208 A.3d 792, we decline to impose sanctions for a frivolous appeal.

However, given the history of this case, which has now come before us for decision four times in recent years, and given Sullivan's evident and expressed unwillingness to accept the settled judicial resolution of the boundary line between the parties' properties, we grant the Warren-Whites' motion for a *Spickler* order requiring Sullivan to obtain prior approval by a Superior Court justice for subsequent filings in the trial court relating to these parties and the subject matter of previous litigation between them. *See Spickler v. Dube*, 644 A.2d 465, 466, 468-69 (Me. 1994).

The entry is:

Judgment affirmed. Remanded for entry of an order enjoining Sullivan from further trial court filings relating to these parties and the subject matter of previous litigation between them without prior approval by a Superior Court justice.

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Martina M. Sullivan, appellant pro se

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for appellees Nathaniel Warren-White and Elizabeth Warren-White

Cumberland County Superior Court docket number RE-2018-228  
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