

RUTH E. LANNI REVOCABLE TRUST

v.

JOHN P. LANNI REVOCABLE TRUST

Argued February 6, 2024
Decided February 27, 2024

Panel: STANFILL, C.J., and MEAD, HORTON, CONNORS, LAWRENCE, and DOUGLAS, JJ.

MEMORANDUM OF DECISION

The Ruth E. Lanni Revocable Trust appeals from a judgment of the York County Probate Court (*Houde, J.*) dismissing its complaint against the John P. Lanni Revocable Trust and from an order of the Cumberland County Probate Court (*Aranson, J.*) denying its motion to alter or amend the judgment. The dismissal order specified that the complaint was dismissed for mootness and further stated that alternatively, the court would have dismissed it for lack of standing. The Ruth E. Lanni Revocable Trust does not challenge the outcome, but instead asks us to clarify that the dismissal is without prejudice in order to preserve the ability to file a hypothetical future claim not barred by res judicata. Because no live controversy exists, we dismiss the appeal. *See Jones v. Maine State Highway Commission*, 238 A.2d 226, 228 (Me. 1968) (“Absent a controversy, such a petition would seek only an advisory opinion, which the court system is obligated to give only under constitutional mandate of restricted application.” (citation omitted)); *Sevigny v. Home Builders Ass’n*, 429 A.2d 197, 201 (Me. 1981) (“For public policy reasons deeply embedded in the history and nature of courts, the Law Court decides only questions of live controversy, and not hypothetical, abstract, or moot questions.”); *U.S. Bank*,

N.A. v. Tannenbaum, 2015 ME 141, ¶ 6 n.3, 126 A.3d 734 (“The issue [whether res judicata would bar a subsequent action] is not ripe for review because the plaintiff has not filed a second action. Thus, the contours of any potential future action are unknowable, and a determination as to whether res judicata would bar that action would not resolve a concrete, certain, and immediate legal problem.” (quotation marks omitted)).

The entry is:

Appeal dismissed.

Patrick S. Bedard, Esq. (orally), Bedard & Bobrow, P.C., Eliot, for appellant the Ruth E. Lanni Revocable Trust

Brendan P. Rielly, Esq. (orally), Jensen Baird, Portland, for appellee the John P. Lanni Revocable Trust

Cumberland County Probate Court docket number 2022-1383
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