

JANICE MELLYN

v.

RICK NELSON

Submitted on Briefs November 29, 2005
Decided December 5, 2005

Panel: SAUFLEY, C.J., and CLIFFORD, DANA, ALEXANDER, CALKINS,
LEVY, and SILVER, JJ.

MEMORANDUM OF DECISION

Janice Mellyn appeals from an order denying her motion for attachment entered in the District Court (Wiscasset, *Westcott, J.*) in her action against Rick Nelson to collect on a note. Contrary to Mellyn's contentions, because her previous complaint against Nelson for collection of the same note had been dismissed with prejudice pursuant to M.R. Civ. P. 41(b), the court did not err or abuse its discretion when it concluded that Mellyn was unlikely to recover judgment against Nelson. *See* M.R. Civ. P. 4A(c).

The entry is:

Order denying attachment affirmed.

Attorney for plaintiff:

Patricia V. Shadis, Esq.
P.O. Box 718
Newcastle, ME 04553-0718

Attorneys for defendant:

David R. Johnson, Esq.
6 Trinity Street
Rockland, ME 04841

William Avantaggio, Esq.
P.O. Box 1449
Damariscotta, ME 04543