

TANYA PEASE et al.

v.

ROBERT R. KESTER

Submitted on Briefs October 24, 2005
Decided March 20, 2006

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

MEMORANDUM OF DECISION

Tanya Pease and her husband, Garry Pease, appeal from a judgment entered in the Superior Court (Kennebec County, *Marden, J.*) dismissing her complaint against Robert R. Kester pursuant to M.R. Civ. P. 12(b)(6). Because Kester owed Pease no duty as a matter of law based on the facts alleged, even when viewing all of the allegations in the complaint in the light most favorable to Pease, we do not disturb the trial court's dismissal of the complaint. *See Moody v. State Liquor & Lottery Comm'n*, 2004 ME 20, ¶ 7, 843 A.2d 43, 46-47; *Hewett v. Kennebec Valley Mental Health Ass'n*, 557 A.2d 622, 623 n.2 (Me. 1989).

The entry is:

Judgment affirmed.

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