

JOHN AMES, TRUSTEE OF THE LAWSON TRUST

v.

VOIT RITCH et al.

Submitted On Briefs September 27, 2007

Decided December 6, 2007

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

MEMORANDUM OF DECISION

John Ames appeals from a judgment on the pleadings in favor of Voit Ritch and Autowerkes, Inc. and a dismissal on the court's own motion in favor of Susan Ritch entered in the Superior Court (Kennebec County, *Marden, J.*) on Ames's complaint alleging conversion, illegal eviction, fraud, mail fraud, trespass, and unlawful acts and conduct. Contrary to Ames's contention, Ames's claims are barred by the doctrine of res judicata and collateral estoppel. *See Me. Educ. Ass'n v. Me. Cmty. Coll. Sys. Bd. of Trs.*, 2007 ME 70, ¶ 14, 923 A.2d 914, 917; *Norton v. Town of Long Island*, 2005 ME 109, ¶ 18, 883 A.2d 889, 895; *Macomber v. MacQuinn-Tweedie*, 2003 ME 121, ¶ 22, 834 A.2d 131, 138-39. The court also

acted within its discretion in refusing to default Ritch for his failure to appear at a nontestimonial hearing, *see Baker's Table, Inc. v. City of Portland*, 2000 ME 7, ¶ 16, 743 A.2d 237, 242-43, and in awarding attorney fees to Voit as a sanction for Ames's filing of a frivolous complaint, *see Dufort v. Bangs*, 644 A.2d 6, 7 (Me. 1994).

The entry is:

Judgment affirmed.

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