

ALLSTATE INSURANCE COMPANY

v.

DAVID ZYSK et al.

Submitted on Briefs February 27, 2007  
Decided April 10, 2007

Panel: CLIFFORD, ALEXANDER, CALKINS, LEVY, and SILVER, JJ.

MEMORANDUM OF DECISION

David Zysk and Alan and Gail Nagy appeal from a summary judgment entered in Superior Court (York County, *Brennan, J.*) on Allstate Insurance Company's complaint for declaratory judgment, which determined that Allstate was not required to indemnify Zysk for a judgment resulting from the Nagys' personal injury claims against him. Contrary to Zysk and the Nagys' contention, the court did not err in granting a summary judgment in favor of Allstate, *see Patrons Oxford Ins. Co. v. Harris*, 2006 ME 72, ¶ 13, 905 A.2d 819, 825; *Jacques v. Am. Home Assurance Co.*, 609 A.2d 719, 721 (Me. 1992); *Ouellette v. Me. Bonding & Cas. Co.*, 495 A.2d 1232, 1235 (Me. 1985). Furthermore, we do not

consider Zysk and the Nagys' defense of equitable estoppel because they have raised it for the first time on appeal. *Thomas v. BFC Marine/Bath Fuel Co.*, 2004 ME 27, ¶ 5, 843 A.2d 3, 5.

The entry is:

Judgment affirmed.

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