

MARTINA M. SULLIVAN

v.

SAMUEL C. KILBOURN et al.

Submitted on Briefs January 26, 2022
Decided February 3, 2022

Panel: MEAD, GORMAN, JABAR, HUMPHREY, HORTON, and CONNORS, JJ.

MEMORANDUM OF DECISION

Martina M. Sullivan appeals from a judgment entered by the Superior Court (Cumberland County, *MG Kennedy, J.*) dismissing with prejudice Sullivan’s complaint alleging fraud, fraud pursuant to 32 M.R.S. § 11206 (2021), material misrepresentation, negligent misrepresentation, negligence, and punitive damages against Nathaniel and Elizabeth Warren-White, Samuel C. Kilbourn, Sebago Technics, and Owen Haskell, Inc. This is Sullivan’s fifth appeal in a boundary matter that is beyond dispute. Contrary to Sullivan’s contentions, the trial court did not abuse its discretion by granting Kilbourn’s motion to enlarge the time for filing an answer or by denying Sullivan’s request for a default judgment. *See* M.R. Civ. P. 6(b), 55; *Solomon’s Rock Tr. v. Davis*, 675 A.2d 506, 508-09 (Me. 1996) (providing that “M.R. Civ. P. 6(b) should be liberally applied to work substantial justice”). Further, after reviewing Sullivan’s complaint de novo, in the light most favorable to her, we conclude that Sullivan’s claims are barred by principles of claim preclusion and issue preclusion. *See 20 Thames St. LLC v. Ocean State Job Lot of Me. 2017 LLC*, 2021 ME 33, ¶¶ 13-15, 35-41, 252 A.3d 516; *Sebra v. Wentworth*, 2010 ME 21, ¶¶ 11-13, 990 A.2d 538. Finally, Sullivan’s complaint does not allege facts sufficient to demonstrate that she has any actionable claims under either the charitable pleading

requirements of M.R. Civ. P. 8(a) or the stringent requirements of M.R. Civ. P. 9(b) for claims of fraud. *See* M.R. Civ. P. 12(b)(6); *Sargent v. Buckley*, 1997 ME 159, ¶ 10, 697 A.2d 1272. We take allegations of fraud very seriously, but this is another meritless attempt to relitigate issues that have already been fully litigated and decided. “The law abhors fraud It also abhors interminable litigation.”¹ *Bean v. Cummings*, 2008 ME 18, ¶ 12, 939 A.2d 676 (quoting *Cole v. Chellis*, 122 Me. 262, 264, 119 A. 623, 624 (1923)).

The entry is:

Judgment affirmed.

Martina M. Sullivan, appellant pro se

Brendan R. O’Rourke, Esq., and Matthew S. Wahrer, Esq., Thompson Bowie & Hatch LLC, Portland, for appellee Owen Haskell, Inc.

Michael F. Vaillancourt, Esq., Ainsworth, Thelin & Raftice, P.A., South Portland, for appellees Nathaniel and Elizabeth Warren-White

Christopher P. Leddy, Esq., Ainsworth, Thelin & Raftice, P.A., South Portland, for appellee Samuel C. Kilbourn

Cumberland County Superior Court docket number RE-2020-103
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¹ Sullivan makes several other arguments that we decline to reach. *See Mehlhorn v. Derby*, 2006 ME 110, ¶ 11, 905 A.2d 290 (“[I]ssues adverted to in a perfunctory manner, unaccompanied by some effort at developed argumentation, are deemed waived.” (quotation marks omitted)).