

GERARD P. DUNN, INDIVIDUALLY
AND ON BEHALF OF THOMAS M. DUNN

v.

ARIANE K. COMETA

Argued September 10, 2002
Decided September 23, 2002

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

MEMORANDUM OF DECISION

Gerard P. Dunn appeals from the judgment of the Superior Court (York County, *Fritzsche, J.*) in favor of Ariane K. Cometa on counts one through five of his seven-count complaint.¹ Contrary to Dunn's assertion, (1) the first two counts of his complaint alleging economic misconduct are barred by the doctrine of res judicata, and (2) the third, fourth, and fifth counts of his complaint relating to intentional infliction of emotional distress, negligent infliction of emotional distress, and malice are barred by the doctrine of interspousal immunity. Gerard

1. After grant of Cometa's motion for partial summary judgment, the Superior Court ordered entry of partial final judgment, M.R. Civ. P. 54(b)(1) and, separately, reported the questions to us pursuant to M.R. App. P. 24.

Dunn asserts that these claims may be brought in a separate action subsequent to the divorce action between Cometa and his son, Thomas Dunn, for whom Gerard Dunn acts as conservator.

Review of the facts, from the parties' statements of material fact, taken most favorably to Dunn, indicates that resolution of this case is controlled by the principles of law stated in *Henriksen v. Cameron*, 622 A.2d 1135 (Me. 1993). No change of those principles or of the Superior Court's decision based on *Henriksen* is justified based on this record.

The entry is:

Judgment affirmed.

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