

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MAINE

Susan N. Patrick v. Jonathan Brogan, et al.

Patrick · No. 2:25-cv-00048-JAW · Decided March 26, 2026

SUMMARY

The United States District Court for the District of Maine granted defendants’ motion to dismiss Susan N. Patrick’s wrongful-use-of-civil-proceedings complaint against attorney Jonathan Brogan and Norman Hanson & DeTroy. The court held that issue preclusion barred relitigation of whether the underlying fraud counterclaim had a factual basis and that the complaint otherwise failed to plead a plausible claim under Maine law. The court also imposed Rule 11 sanctions requiring Patrick to pay defendants’ costs, expenses, and attorney’s fees, and struck the complaint and misconduct allegations in her opposition.

CASE DETAILS

COURT	United States District Court for the District of Maine
WRITING FOR THE COURT	John A. Woodcock, Jr.
JURISDICTION	United States District Court for the District of Maine
DECIDED	March 26, 2026
DOCKET	2:25-cv-00048-JAW
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss a pro se complaint alleging wrongful use of civil proceedings and separately moved for Rule 11 sanctions. The court granted both motions, dismissed and struck the complaint, struck portions of the opposition, and awarded defendants their reasonable costs, expenses, and attorney's fees.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, disregards conclusory legal allegations, and determines whether the complaint contains sufficient factual matter to state a facially plausible claim. The court may consider documents attached to or incorporated into the complaint and public records susceptible to judicial notice. Rule 11 sanctions are reviewed under the rule's objective standards governing frivolous claims, unfounded arguments, and improper purposes.

TOPICS

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QUESTIONS PRESENTED

1. Whether issue preclusion barred Patrick from relitigating whether defendants had a factual basis and proper purpose for asserting the fraud counterclaim in the prior state-court action.
2. Whether Patrick's complaint plausibly stated a claim for wrongful use of civil proceedings under Maine law.
3. Whether Rule 11 sanctions were warranted based on Patrick's filing of a claim that had previously been rejected and sanctioned in the state proceedings.
4. Whether the complaint and opposition should be struck for baseless and vindictive accusations of misconduct.

HOLDINGS

1. Issue preclusion barred Patrick from relitigating whether defendants had a reasonable factual basis and proper purpose for asserting their fraud counterclaim in the prior state-court proceeding.
2. The complaint failed to state a plausible claim for wrongful use of civil proceedings because its principal factual assertion was precluded and the prior proceedings did not terminate in Patrick's favor, a necessary element under Maine law.
3. Rule 11 sanctions were warranted because Patrick filed a frivolous and previously rejected claim without a good-faith basis in fact or law after having notice and an opportunity to withdraw it.

KEY QUOTATIONS

“Because the propriety of Defendants’ basis for raising the fraud counterclaim was already litigated and determined in the Superior Court’s sanctions order, and that determination was essential to the judgment of that sanctions order, Ms. Patrick is held to that determination in this case.” (IV.A.3)

“The Court ORDERS Ms. Patrick to pay Defendants’ costs, expenses, and attorney’s fees incurred in defending this action” (V)

FACTUAL BACKGROUND

Patrick previously litigated medical-malpractice claims involving a transvaginal mesh implant and a tolling agreement concerning 2009 and 2012 treatment. The attorneys representing the opposing party asserted fraud and related counterclaims concerning the scope and formation of the tolling agreement, and the state trial court

rejected Patrick's related allegations of misconduct, struck her filing, and imposed sanctions. After the Maine Supreme Judicial Court affirmed, Patrick filed this federal action alleging that the attorneys had wrongfully used civil proceedings by pursuing a baseless fraud counterclaim.

PROCEDURAL HISTORY

Susan N. Patrick filed this federal diversity action against Jonathan Brogan and Norman, Hanson & DeTroy, P.A., LLC, alleging that they wrongfully pursued a fraud counterclaim while representing a medical-malpractice defendant in prior state-court litigation. The Maine Superior Court previously rejected related assertions, sanctioned Patrick, and was affirmed by the Maine Supreme Judicial Court. The federal court granted defendants' motion to dismiss on issue-preclusion and failure-to-state-a-claim grounds, then imposed Rule 11 sanctions and ordered Patrick to pay defendants' reasonable litigation expenses and fees.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-57, 570 (2007)
- Germanowski v. Harris, 854 F.3d 68, 71-72 (1st Cir. 2017)
- Schatz v. Republican State Leadership Comm., 669 F.3d 50, 55 (1st Cir. 2012)
- Ocasio-Hernández v. Fortuño-Burset, 640 F.3d 1, 11 (1st Cir. 2011)
- Clark v. Boscher, 514 F.3d 107, 112 (1st Cir. 2008)
- Cardigan Mountain Sch. v. N.H. Ins. Co., 787 F.3d 82, 84 (1st Cir. 2015)
- García-Catalán v. United States, 734 F.3d 100, 103 (1st Cir. 2013)
- Morales-Cruz v. Univ. of P. R., 676 F.3d 220, 224 (1st Cir. 2012)
- Haley v. City of Bos., 657 F.3d 39, 46 (1st Cir. 2011)
- S.E.C. v. Tambone, 597 F.3d 436, 442 (1st Cir. 2010) (en banc)
- Watterson v. Page, 987 F.2d 1, 3 (1st Cir. 1993)
- Alt. Energy, Inc. v. St. Paul Fire & Marine Ins. Co., 267 F.3d 30, 33 (1st Cir. 2001)
- Beddall v. State St. Bank & Tr. Co., 137 F.3d 12, 17 (1st Cir. 1998)
- Irizarry Sierra v. Bisignano, 158 F.4th 43, 49 (1st Cir. 2025)
- E.I. Du Pont de Nemours & Co., Inc. v. Cullen, 791 F.2d 5, 7 (1st Cir. 1986)
- Rodi v. S. New Eng. Sch. of Law, 389 F.3d 5, 12 (1st Cir. 2004)
- Boateng v. InterAmerican Univ., 210 F.3d 56, 60 (1st Cir. 2000)
- Sargent v. Buckley, 1997 ME 159, 697 A.2d 1272
- Portland Water Dist. v. Town of Standish, 2008 ME 23, 940 A.2d 1097
- Macomber v. MacQuinn-Tweedie, 2003 ME 121, 834 A.2d 131
- Button v. Peoples Heritage Sav. Bank, 666 A.2d 120, 122 (Me. 1995)

- *Sevigny v. Home Builders Ass’n*, 429 A.2d 197, 201-02 (Me. 1981)
- *Leighton v. Lowenberg*, 2023 ME 14, 290 A.3d 68
- *CQ Int’l Co. v. Rochem Int’l, Inc., USA*, 659 F.3d 53, 60 (1st Cir. 2011)
- *Rumford Free Cath. Libr. v. Town of Rumford*, No. 2:20-cv-00066-JDL, 2020 U.S. Dist. LEXIS 122023, at *18 (D. Me. July 13, 2020)
- *N. New Eng. Tel. Operations LLC v. Local 2327, Int’l Bhd. of Elec. Workers, AFL-CIO*, 735 F.3d 15, 25 (1st Cir. 2013)
- *Tanguay v. Asen*, 1998 ME 277, 722 A.2d 49
- *Adams v. Adams*, No. 1:17-cv-00200-GZS, 2019 U.S. Dist. LEXIS 110251, at *1-2 (D. Me. July 2, 2019)

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