

SUPREME COURT OF MONTANA

Wiser v. Montana Board of Dentistry, 2011 MT 56, 360 Mont. 1

251 P.3d 675 (2011) · No. DA 10-0230 · Decided March 29, 2011

SUMMARY

The Supreme Court of Montana affirmed summary judgment for the Montana Board of Dentistry on res judicata grounds. The court held that the plaintiffs' challenge to the validity and enforcement of a regulation restricting denturists from fitting prostheses over dental implants involved the same parties, subject matter, issues, and capacities as their prior action. Because the prior judgment resolved claims that were raised or could have been raised, the subsequent action was barred.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Jim Rice; Mike McGrath, C.J.; James C. Nelson; Patricia Cotter; Michael E. Wheat
JURISDICTION	Montana
DECIDED	March 29, 2011
DOCKET	DA 10-0230
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed the First Judicial District Court's grant of summary judgment to the Montana Board of Dentistry on res judicata grounds.
STANDARD OF REVIEW	The grant of summary judgment is reviewed de novo under M.R. Civ. P. 56. Application of res judicata is reviewed as a question of law for correctness.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential.
PARTIES	Lee Wiser, Charles Conlan v. Montana Board of Dentistry

TOPICS

res judicata

summary judgment

administrative law

statutory interpretation

civil procedure

PRACTICE AREAS

civil procedure

administrative law

health law

QUESTIONS PRESENTED

1. Whether the district court erred in concluding that the plaintiffs' statutory challenge to Admin. R.M. 24.138.2302(1)(j) was barred by res judicata.
2. Whether the parties, subject matter, issues, and capacities were sufficiently identical between the present action and the prior Wiser I action to satisfy res judicata.

HOLDINGS

1. The plaintiffs' action was barred by res judicata because the prior Wiser I judgment was final and the two actions involved the same parties or privies, subject matter, issues, and capacities.

KEY QUOTATIONS

“The doctrine of res judicata bars the relitigation of a claim once a final judgment has been entered.” (¶ 8)

“Finality is accorded to the disposition of all issues that were raised or that could have been raised; a party, therefore, is prohibited from relitigating a claim that he or she has already had an opportunity to litigate.” (¶ 17)

FACTUAL BACKGROUND

Lee Wiser and Charles Conlan were licensed denturists subject to regulation by the Montana Board of Dentistry. The Board pursued disciplinary and investigative actions concerning their fitting or alleged fitting of dentures on or over dental implants under Admin. R.M. 24.138.2302(1)(j). They then sought a declaration that the regulation conflicted with Montana statutes and violated due process, but their earlier litigation had already challenged the Board's authority, regulation, and enforcement of the same restriction.

PROCEDURAL HISTORY

Wiser and Conlan filed a declaratory-judgment action challenging a Montana Board of Dentistry regulation governing denturists' fitting of prostheses on or over dental implants. The district court granted the Board summary judgment on res judicata grounds after the parties stipulated to dismissal of the constitutional challenge. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Wiser v. State, 2006 MT 20, 331 Mont. 28, 129 P.3d 133
- Alexander v. Bozeman Motors, Inc., 2010 MT 135, ¶ 15, 356 Mont. 439, 234 P.3d 880
- Mattson v. Mont. Power Co., 2009 MT 286, ¶ 15, 352 Mont. 212, 215 P.3d 675
- Lorang v. Fortis Ins. Co., 2008 MT 252, ¶ 37, 345 Mont. 12, 192 P.3d 186
- Textana, Inc. v. Klabzuba Oil & Gas, 2009 MT 401, ¶ 62, 353 Mont. 442, 222 P.3d 580

- Thornton v. Alpine Home Ctr., 2001 MT 310, ¶ 10, 307 Mont. 529, 38 P.3d 855
- Parini v. Missoula Co. High Sch., 284 Mont. 14, 23, 944 P.2d 199, 204 (1997)
- Baltrusch v. Baltrusch, 2006 MT 51, ¶¶ 15-16, 331 Mont. 281, 130 P.3d 1267
- In re Raymond W. George Trust, 1999 MT 223, ¶ 47, 296 Mont. 56, 986 P.2d 427
- Somont Oil Co., Inc. v. A & G Drilling, Inc., 2008 MT 447, ¶ 8, 348 Mont. 12, 199 P.3d 241
- Mills v. Lincoln Co., 262 Mont. 283, 285, 864 P.2d 1265, 1267 (1993)
- State ex rel. Harlem Irrigation District v. Montana Seventeenth Judicial District Court, 271 Mont. 129, 130-35, 894 P.2d 943, 943-46 (1995)
- Phelan v. Lee Blaine Enters., 220 Mont. 296, 299, 716 P.2d 601, 603 (1986)
- Hall v. Heckerman, 2000 MT 300, ¶ 16, 302 Mont. 345, 15 P.3d 869
- Brault v. Smith, 209 Mont. 21, 28, 679 P.2d 236, 239 (1984)

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