

# United States Court of Appeals For the First Circuit

---

No. 99-1716

ERIC A. FORETICH,  
Plaintiff, Appellant,  
  
v.

THE LANDSBURG COMPANY, ET AL.,  
  
Defendants, Appellees.

---

APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW HAMPSHIRE

[Hon. Paul J. Barbadoro, U.S. District Judge]

---

Before

Torruella, Chief Judge,  
and Boudin and Lipez, Circuit Judges.

---

Elaine Mittleman on brief for appellant.

Paul R. Taskier, Adam Proujansky, Dickstein Shapiro  
Morin & Oshinsky LLP, William L. Chapman, and Orr and Reno on  
brief for appellees.

---

March 1, 2001

---

Per Curiam. In 1992, the defendants in this action produced and broadcast a docudrama depicting the bitter child custody dispute between Dr. Eric A. Foretich and his former wife. Foretich responded to this broadcast by filing multiple suits against these defendants. In addition to the present action filed in federal district court in New Hampshire, Foretich also filed two suits, one in Virginia and one in the District of Columbia, that were removed and consolidated in the United States District Court for the District of Columbia. After a series of setbacks in that forum, during which the New Hampshire action was stayed, Foretich agreed to a comprehensive settlement that resolved the remaining issues in the D.C. action and that also required him to dismiss the New Hampshire action. Shortly after reaching this agreement, however, Foretich refused to abide by it and contested its enforceability in the D.C. District Court. Both the D.C. District and Circuit Courts held that the agreement was enforceable. In response, the defendants filed a motion to dismiss in New Hampshire seeking to hold Foretich to his bargain. The New Hampshire District Court granted the motion on the ground that res judicata prevented Foretich from contesting the validity of the agreement. Foretich now appeals.

Foretich agreed to dismiss the New Hampshire case as part of a broad settlement agreement to resolve overlapping litigation in the district court. The D.C. District Court and Court of Appeals later upheld the agreement so far as pertinent here despite Foretich's

attempt to back out of it. His objections to the settlement were or could have been litigated in the D.C. courts. We see no basis for allowing him to relitigate those objections here.

We deny the request for sanctions. In accordance with Fed. R. App. P. 39, however, costs are taxed against Foretich.

**Affirmed.**