

48 LONGSTEMS, LLC

v.

KENNETH J. MOSER

Argued December 13, 2012

Decided January 3, 2013

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, SILVER, MEAD,
GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Kenneth J. Moser appeals from a judgment of the District Court (Portland, *Goranites, J.*) awarding 48 Longstems, LLC damages and costs for tortious interference with business relationships and violation of the Uniform Deceptive Trade Practices Act (UDTPA), 10 M.R.S. §§ 1211-1216 (2012).

Contrary to Moser's contentions, the court properly exercised personal jurisdiction over him in accordance with the Maine long-arm statute and due process requirements. *See* U.S. Const. amend. XIV, § 1; Me. Const. art. 1, § 6-A; 14 M.R.S. § 704-A (2012); *Fore, LLC v. Benoit*, 2012 ME 1, ¶¶ 5-7, 34 A.3d 1125. Moser's assertion that the doctrine of res judicata bars 48 Longstems's action also fails. *See Thibeault v. Brackett*, 2007 ME 154, ¶ 7, 938 A.2d 27; *Sargent v. Sargent*, 622 A.2d 721, 723 (Me. 1993). Similarly unavailing is Moser's argument invoking the Full Faith and Credit Clause of the United States Constitution because, pursuant to established California law, Moser's prior California small claims judgment against 48 Longstems did not preclude 48 Longstems from bringing the present cause of action. *See* U.S. Const. art. IV, § 1; *Durfee v. Duke*, 375 U.S. 106, 109 (1963); *Sanders v. Sanders*, 1998 ME 100, ¶ 10, 711 A.2d 124; *Sanderson v. Niemann*, 110 P.2d 1025, 1030-31 (Cal. 1941); *Bailey v. Brewer*,

128 Cal. Rptr. 3d 380, 389 (Cal. Ct. App. 2011); *Pitzen v. Superior Court*, 16 Cal Rptr. 3d 628, 632-37 (Cal Ct. App. 2004).

Finally, the trial court did not commit clear error in finding Moser liable for tortious interference with business relationships and violation of the UDTPA. See 10 M.R.S. § 1212(1)(H); *Weinstein v. Hurlbert*, 2012 ME 84, ¶ 9, 45 A.3d 743; *Sherbert v. Remmel*, 2006 ME 116, ¶ 4 n.3, 908 A.2d 622; *Advanced Constr. Corp. v. Pilecki*, 2006 ME 84, ¶¶ 14-15, 901 A.2d 189.

The entry is:

Judgment affirmed. Remanded to the trial court for calculation, pursuant to 10 M.R.S. § 1213, of additional compensable attorney fees, if any, as a result of this appeal.

On the briefs and at oral argument:

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Longstems, LLC