

MARK C. KLEIN

v.

AMANDA MYERS et al.

Argued February 13, 2020
Decided March 3, 2020

Panel: SAUFLEY, C.J., and MEAD, GORMAN,* JABAR, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

Mark C. Klein appeals from an order of the Superior Court (Cumberland County, *Horton, J.*) dismissing, pursuant to 14 M.R.S. § 556 (2018), his complaint against Amanda Myers and Jessica Demers. Contrary to Klein's contentions, the court did not err in concluding that he failed to establish a prima facie case that Myers's and Demers's petitioning activities were "devoid of any reasonable factual support or any arguable basis in law." *Id.*; see *Gaudette v. Davis*, 2017 ME 86, ¶¶ 12, 16-17, 160 A.3d 1190; *Nader v. Me. Democratic Party*, 2013 ME 51, ¶¶ 19, 22-24, 66 A.3d 571. We also reject Klein's argument that Myers's and Demers's statements to social workers and the courts did not constitute petitioning activities within the scope of section 556.¹ See *Nader*, 2013 ME 51, ¶¶ 16-17, 66 A.3d 571.

* Although not available at oral argument, Justice Gorman participated in the development of this opinion. See M.R. App. P. 12(a)(2) ("A qualified Justice may participate in a decision even though not present at oral argument.").

¹ We are unpersuaded by Klein's remaining arguments and we do not address them.

The entry is:

Judgment affirmed.

Daniel D. Feldman, Esq. (orally), and Thomas F. Hallett, Esq., Hallett Whipple Weyrens, Portland, for appellant Mark C Klein

Elizabeth A. Germani, Esq. (orally), Germani Martemucci & Hill, Portland, for appellee Jessica Demers

Theodore H. Irwin, Jr., Esq. (orally), Irwin & Morris, Portland, for appellee Amanda Myers

Cumberland County Superior Court docket number CV-2018-377
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