

EMILE L. CLAVET

v.

KEVIN B. DEAN

Argued October 6, 2020  
Decided October 13, 2020

Panel: MEAD, GORMAN, JABAR, HUMPHREY, HORTON, and CONNORS, JJ.

#### MEMORANDUM OF DECISION

Kevin B. Dean appeals from a judgment of the Business and Consumer Docket (*Murphy, J.*) entered after a jury-waived trial, finding him liable on Emile L. Clavet's complaint for breach of a fiduciary duty and fraudulent misrepresentation in connection with Dean and Clavet's joint business ventures. Contrary to Dean's contentions, the court committed no error of law in concluding that Dean, as manager of the parties' limited liability company, owed Clavet a fiduciary duty to disclose his negotiations for the sale of the company to a third party, nor any error of fact in finding that Dean breached that duty. *See* 31 M.R.S. §§ 1521(3)(A), 1559 (2020); *Cianchette v. Cianchette*, 2019 ME 87, ¶¶ 33-37, 209 A.3d 745; *Oceanic Inn, Inc. v. Sloan's Cove, LLC*, 2016 ME 34, ¶ 18, 133 A.3d 1021; *Shostak v. Shostak*, 2004 ME 75, ¶ 20, 851 A.2d 515. We also discern no clear error in the court's calculation of compensatory or punitive damages. *See Janigan v. Taylor*, 344 F.2d 781, 786-87 (1st Cir. 1965); *Brown v. Compass Harbor Vill. Condo. Ass'n*, 2020 ME 44, ¶ 20, 229 A.3d 158.

The entry is:

Judgment affirmed.

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George J. Marcus, Esq. (orally), Daniel L. Rosenthal, Esq., and David C. Johnson, Esq., Marcus Clegg, Portland, for appellant Kevin B. Dean

Clifford H. Ruprecht, Esq. (orally), Roach Ruprecht Sanchez & Bischoff, P.C., Portland, for appellee Emile L. Clavet

Business and Consumer Docket docket number CV-2018-4  
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