

JAMES MESSER

v.

BRETT MESSER

Submitted on Briefs February 22, 2023
Decided March 2, 2023

Panel: MEAD, JABAR, HORTON, and LAWRENCE, JJ.

MEMORANDUM OF DECISION

James Messer appeals from a judgment entered by the Superior Court (York County, *Douglas, J.*) in favor of Brett Messer in the amount of \$18,400 on Brett Messer's counterclaim for unjust enrichment after a nonjury trial. Contrary to James Messer's contentions, Brett Messer's unjust enrichment counterclaim was properly pled and alleged facts with sufficient particularity to give fair notice of the cause of action by providing a short and plain statement of the claim showing that he was entitled to relief. *See* M.R. Civ. P. 8(a)(1); *Meridian Med. Sys., LLC v. Epix Therapeutics, Inc.*, 2021 ME 24, ¶ 2, 250 A.3d 122; *Burns v. Architectural Doors & Windows*, 2011 ME 61, ¶ 17, 19 A.3d 823; *Johnston v. Me. Energy Recovery Co.*, 2010 ME 52, ¶ 16, 997 A.2d 741. Additionally, the trial record contains sufficient competent evidence to support the trial court's findings. *See Pelletier v. Pelletier*, 2012 ME 15, ¶ 13, 36 A.3d 903; *Gordon v. Cheskin*, 2013 ME 113, ¶ 12, 82 A.3d 1221; *Thibeault v. Brackett*, 2007 ME 154, ¶ 14, 938 A.2d 27.

The entry is:

Judgment affirmed.

Neal L. Weinstein, Esq., Old Orchard Beach, for appellant James Messer

André G. Duchette, Esq., Taylor, McCormack & Frame, LLC, Portland, for
appellee Brett Messer

York County Superior Court docket number RE-2019-30
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