

PATRIOT GROWTH FUND, L.P. et al.

v.

FRANK KRISTAN

Submitted on Briefs April 27, 2004
Decided May 20, 2004

Panel: SAUFLEY, C.J., and CLIFFORD, DANA, ALEXANDER, CALKINS,
and LEVY, JJ.

MEMORANDUM OF DECISION

Frank Kristan appeals from an order of the Superior Court (York County, *Fritzsche, J.*) that denied his motion for nonrecognition of a foreign judgment. Kristan argues that the Florida court that entered judgment lacked jurisdiction over him and that, while his appeal of the Florida judgment was pending, the judgment could not be enforced against him in Maine under the Uniform Enforcement of Foreign Judgments Act, 14 M.R.S.A. §§ 8001-8008 (2003), as he had presented

sufficient security for satisfaction of the judgment pursuant to 14 M.R.S.A. § 8005(1) and (2).¹

Because the issue of personal jurisdiction was litigated before the Florida court, it is inappropriate for us to review that issue on appeal. *Durfee v. Duke*, 375 U.S. 106, 110-11 (1963). The trial court did not err in concluding that the papers purporting to be stock certificates, which Kristan presented as security, were insufficient to satisfy the requirements of 14 M.R.S.A. § 8005. The other issues raised by Kristan do not merit further discussion.

The entry is:

Order affirmed.

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¹ While this appeal has been pending, the Florida judgment was affirmed by the Florida Court of Appeals, although the appeal decision may not be final until time for a request for rehearing has expired. See *Kristan v. Patriot Growth Fund, L.P., et al.*, No. 2D03-3331, 2004 Fla. App. LEXIS 2696 (Fla. Ct. App. Mar. 3, 2004).