

P.F.G. VENTURES, L.P.

v.

ANNE GRANDCHAMP

Submitted On Briefs April 30, 2008
Decided May 29, 2008

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

MEMORANDUM OF DECISION

Anne Grandchamp appeals from a judgment entered in District Court (Portland, *M.G. Kennedy, J.*) denying her motion filed, pursuant to M.R. Civ. P. 60(b)(3), (4), and (6), for relief from a judgment that was entered by default against Grandchamp in the Ohio Court of Common Pleas in favor of P.F.G. Ventures, L.P., which subsequently sought to enforce the judgment in Maine, pursuant to the Uniform Enforcement of Foreign Judgments Act, 14 M.R.S. §§ 8001-8008 (2007). Grandchamp contends that the Ohio judgment was procured by fraud, misrepresentation, and misconduct; that the judgment is void because the Ohio court lacked jurisdiction; and that the interests of equity and justice require that she be relieved of the judgment. Because Grandchamp failed to litigate the action in Ohio, however, the District Court neither erred nor abused its discretion in denying her Rule 60(b) motion. *See Underwriters Nat'l Assurance Co. v. N.C. Life & Accident & Health Ins. Guar. Ass'n*, 455 U.S. 691, 705-06 (1982); *Durfee v. Duke*, 375 U.S. 106, 111 (1963) (stating, “a judgment is entitled to full faith and credit—even as to questions of jurisdiction—when the second court's inquiry discloses that those questions have been fully and fairly litigated and finally decided in the court which rendered the original judgment”); *Reville v. Reville*, 370 A.2d 249, 252 (Me. 1977) (“A motion under Rule 60(b) does not affect the finality or operation of a judgment. The relief thereby sought is no alternative to appeal

and courts look askance at any motion where without reason the appellate remedy was not pursued.”) (quotation marks omitted).

Moreover, because Grandchamp did not raise in the District Court her claim that her due process rights were violated when the District Court accepted evidence after the hearing on the motion for relief from judgment, the claim has not been properly preserved for appellate review. *See Foster v. Oral Surgery Assocs., P.A.*, 2008 ME 21, ¶ 22, 940 A.2d 1102, 1107; *see also* M.R. Civ. P. 61.

The entry is:

Judgment affirmed.

Attorney for Anne Grandchamp:

Eric M. Mehnert, Esq.
Hawkes & Mehnert
Six State Street #600
Bangor, Maine 04401

Attorney for P.F.G. Ventures, LP:

Rita M. Farry, Esq.
Kimmel & Beach
62 Portland Road
Kennebunk, Maine 04043