

ANDREW L. PRATT

v.

JOHN R. LONG et al.

Submitted on Briefs January 22, 2009

Decided January 29, 2009

Panel: CLIFFORD, ALEXANDER, LEVY, SILVER, MEAD, and GORMAN, JJ.

#### MEMORANDUM OF DECISION

Andrew L. Pratt appeals from a judgment of dismissal entered in the Superior Court (Knox County, *Hjelm, J.*) in favor of the defendants, John R. Long, Julie K. Clement, Robert E. Laite Jr., and Robert E. Laite Funeral Home, Inc., d/b/a Long Funeral Home, Inc. (collectively, “Long”). Contrary to Pratt’s contention, the court properly granted Long’s motion to dismiss due to Pratt’s failure to file his complaint within the applicable six-year statute of limitations. *See* 14 M.R.S. § 752 (2008).

A cause of action in tort accrues “at the point at which a wrongful act produces an injury for which a potential plaintiff is entitled to seek judicial vindication.” *Gile v. Albert*, 2008 ME 58, ¶ 8, 943 A.2d 599, 601 (quotation marks omitted); *see also Bozzuto v. Ouellette*, 408 A.2d 697, 699 (Me. 1979). Viewing the facts alleged in Pratt’s complaint as admitted and reading the complaint in a light most favorable to him, *see Halco v. Davey*, 2007 ME 48, ¶ 6, 919 A.2d 626, 629, Pratt’s cause of action alleging conversion accrued in 2001, with his first demand for the property’s return more than six years before he filed his complaint in June 2008. Pratt’s repeated demands for the return of his personal property in 2002 “and in years thereafter” did not cause the statute of limitations to begin running anew with each demand. *See, e.g., Bog Lake Co. v. Town of Northfield*, 2008 ME 37, ¶¶ 8-9, 942 A.2d 700, 703-04.

The entry is:

Judgment affirmed.

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