

SUPREME JUDICIAL COURT OF MAINE

Berry v. Mainstream Fin.

202 A.3d 1195 (Me. 2019) · Decided February 21, 2019

SUMMARY

The Maine Supreme Judicial Court reviewed a summary judgment for MaineStream Finance in Berry’s action seeking return of a 2016 Chevrolet Camaro allegedly wrongfully repossessed. The court held that the summary judgment record did not establish that the Camaro was the same vehicle, known as “Outlaw,” whose ownership had been adjudicated in an earlier action. It vacated the judgment and remanded the case for further proceedings.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Hjelm, J.; Alexander; Hjelm; Humphrey; Jabar; Mead; Saufley
JURISDICTION	Maine
DECIDED	February 21, 2019
DISPOSITION	vacated
PROCEDURAL POSTURE	Berry appealed from a summary judgment entered for MaineStream Finance in his action seeking the return of a 2016 Chevrolet Camaro allegedly wrongfully repossessed by MaineStream.
STANDARD OF REVIEW	Summary judgment is reviewed de novo, viewing the evidence and reasonable inferences in the light most favorable to the party against whom judgment was entered.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Jacob Berry v. MaineStream Finance

TOPICS

summary judgment

res judicata

civil procedure

replevin

commercial litigation

PRACTICE AREAS

civil procedure

commercial litigation

remedies

QUESTIONS PRESENTED

1. Whether summary judgment for MaineStream was proper based on collateral estoppel or claim preclusion arising from the prior action involving Moody.
2. Whether the summary judgment record established that Berry's 2016 Chevrolet Camaro was the same vehicle whose ownership was adjudicated in the prior action or was a vehicle that could have been litigated in that action.

HOLDINGS

1. A party seeking summary judgment based on collateral estoppel must indisputably establish that the vehicle at issue in the current action is the same vehicle whose ownership was determined by a prior final judgment.
2. A party seeking summary judgment based on claim preclusion must indisputably establish, among other things, that the matter presented in the second action was or might have been litigated in the first action.
3. Summary judgment was improper because the summary judgment record did not establish the material identity of the vehicle or otherwise show that Berry's ownership claim was barred by res judicata.

KEY QUOTATIONS

"Summary judgment is appropriate only "when the parties' statements of material facts and the portions of the record referred to therein disclose no genuine issues of material fact and reveal that one party is entitled to judgment as a matter of law."" (§6)

"Facts not set forth in the statement of material facts are not in the summary judgment record, even if the fact in question can be gleaned from affidavits or other documents attached to, and even referred to in portions of, a statement of material fact." (§7)

FACTUAL BACKGROUND

MaineStream seized a race car called Outlaw from Moody's property while attempting to repossess vehicles pledged as collateral. In the prior action, Moody disputed MaineStream's right to repossess Outlaw and Berry testified that he owned the car. Berry subsequently alleged that MaineStream had wrongfully seized his 2016 Chevrolet Camaro after misidentifying it as collateral belonging to Moody. The summary judgment record did not establish that the Camaro was Outlaw or one of the vehicles involved in the prior repossession action.

PROCEDURAL HISTORY

MaineStream previously sued Berry's uncle, Dwight M. Moody, Jr., concerning repossession of race cars pledged as collateral. In that action, the court determined that a car called Outlaw was owned by Moody. Berry later sued MaineStream under 14 M.R.S. § 7071(1), alleging that MaineStream had misidentified and wrongfully seized his 2016 Chevrolet Camaro. The District Court granted MaineStream summary judgment on an implicit res judicata rationale, and the Supreme Judicial Court vacated and remanded.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The case was remanded for further proceedings consistent with the opinion, including proceeding to trial.

CASES CITED

- Avis Rent a Car Sys., LLC v. Burrill, 2018 ME 81, ¶ 2, 187 A.3d 583
- Canney v. Strathglass Holdings, LLC, 2017 ME 64, ¶ 10, 159 A.3d 330
- HSBC Bank USA, N.A. v. Gabay, 2011 ME 101, ¶ 22, 28 A.3d 1158
- Town of Mount Vernon v. Landherr, 2018 ME 105, ¶ 15, 190 A.3d 249
- Pushard v. Bank of Am., N.A., 2017 ME 230, ¶ 20, 175 A.3d 103

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