

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

JONATHAN O. BLUMBERG, d/b/a)
HOPCULTURE, d/b/a NE)
HOPCULTURE)

Plaintiffs)

v.)

Civil No. 98-57-B

LAWRENCE K. FORCIER, et al.)

Defendants)

RECOMMENDED DECISION

Plaintiffs have filed a Complaint against Defendants claiming that Defendants violated various provisions of Racketeer Influence and Corrupt Organization Act, 18 U.S.C.A. §§1961-1968 (West 1985 & Supp. 1998). Presently before the Court is the Defendants' Motion to Dismiss for lack of personal jurisdiction. Fed. Rule Civ. Proc. 12(b)(2). The plaintiff has filed his Response and the motion is now ripe for decision.

This Court cannot assert personal jurisdiction unless the non-resident defendants unless the defendants established "minimum contacts" with this jurisdiction. *Pritzker v. Yari*, 42 F.3d 53, 59 (1st Cir. 1994), *cert denied* 514 U.S. 1108 (1995). To establish that the Defendants established "minimum contacts" within this jurisdiction Plaintiffs must demonstrate that Defendants purposefully undertook "the privilege of conducting activities within the forum State." *Ticketmater-New York, Inc. v. Alioto*, 26 F.3d 201, 206 (1st Cir. 1994).

Even construing Plaintiffs pleadings in a light most favorable to the plaintiffs, the Court is satisfied that Plaintiffs failed to demonstrate that Defendant Forcier, or the other Defendants, purposefully undertook the privilege of conducting activities within Maine. Defendant Forcier never

met with Plaintiff Blumberg in Maine. Nor did Fortier ever call Blumberg in Maine. Forcier did send four letters to Blumberg, but those letters only responded to inquiries from Blumberg and are insufficient to establish "minimum contacts" with this jurisdiction. *See Sawtell v. Farrell*, 70 F.3d 1381, 1391 (1st Cir. 1995) (random or isolated acts are not sufficient to establish personal jurisdiction.) Accordingly, the Court recommends that the Defendants' Motion to Dismiss for lack of personal jurisdiction be GRANTED.

NOTICE

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) (1988) for which *de novo* review by the district court is sought, together with a supporting memorandum, within ten (10) days of being served with a copy thereof. A responsive memorandum shall be filed within ten (10) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to *de novo* review by the district court and to appeal the district court's order.

Eugene W. Beaulieu
United States Magistrate Judge

Dated on July 10, 1998.