

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

JANE DOE,)	
)	
PLAINTIFF)	
)	
v.)	Civil No. 00-76-B-H
)	
GROUND ROUND, INC.,)	
)	
DEFENDANT)	

ORDER ON MOTION TO DISMISS

The motion to dismiss is **DENIED**. Although the defendant has a novel and interesting argument that, if accepted, would limit the scope of Maine’s Long Arm Statute, it is at the very least contrary to repeated dictum from the Law Court. It is therefore properly a question for the Maine courts, from which the defendant chose to remove this lawsuit. Parties who remove their cases from state court should not expect to persuade the federal court to make new state law. See Jordan v. Hawker Dayton Corp., 62 F.3d 29, 32 (1st Cir. 1995); Freeman v. Package Mach. Co., 865 F.2d 1331, 1349 (1st Cir. 1988). According to the oft-repeated pronouncements of the Law Court, Maine’s long arm statute extends personal jurisdiction as far as the United States Constitution permits. See Suttie v. Sloan Sales, Inc., 711 A.2d 1285, 1286 (Me. 1998). I conclude that on the record here, the defendant has sufficient general contacts with the State of Maine to support personal jurisdiction without violating the due process clause.

The motion to transfer is **GRANTED**. It is appropriate under 28 U.S.C.A. § 1404(a) (West 1993) to transfer this case to the District of Massachusetts. Massachusetts law addresses the types of claims the plaintiff has brought and the defendant is amenable to process there. I have weighed the plaintiff's choice of forum, but considerations of convenience and judicial efficiency strongly favor the transfer to the District of Massachusetts. Massachusetts is where the incident occurred and the plaintiff was injured; Massachusetts is where the defendant is located; presumably Massachusetts law will apply; and Massachusetts has a strong interest in the safety of its restaurant food service, the subject of this lawsuit. I cannot tell on this record how many witnesses will come from Maine and how many from Massachusetts (the plaintiff argues, perhaps optimistically, that the witnesses will mostly be about damages and are from Maine, whereas the defendant says that most of the witnesses are in Massachusetts). Therefore, on the record before me, a transfer is appropriate.

SO ORDERED.

DATED THIS 26TH DAY OF MAY, 2000.

D. BROCK HORNBY
UNITED STATES CHIEF DISTRICT JUDGE

U.S. District Court
District of Maine (Bangor)
Civil Docket for Case #: 00-CV-76

JANE DOE
plaintiff

DANIEL G. KAGAN
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v.

GROUND ROUND INC.
defendant

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