

ISABELLA ARGUETTA (LIGIA FILLER)

v.

VLADEK FILLER

Submitted on Briefs July 7, 2011

Decided July 12, 2011

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

MEMORANDUM OF DECISION

Vladek Filler appeals from findings and a divorce judgment entered in the District Court (Ellsworth, *Gunther, J.*). Contrary to Filler's contentions, the court did not abuse its discretion in failing to award him sole parental rights and in ordering visitation, subject to specific conditions to ensure the safety of the child, between Arguetta and the parties' younger child for one month each year. *See In re Alivia B.*, 2010 ME 112, ¶ 12, 8 A.3d 625, 629 ("We review a court's ultimate conclusion regarding the best interest of the child for abuse of discretion . . ."); *Hatch v. Anderson*, 2010 ME 94, ¶ 12, 4 A.3d 904, 907 ("Parental rights and responsibilities are determined pursuant to 19-A M.R.S. § 1653 [2010], applying the standard of the best interest of the child set forth in section 1653(3)."). The court also did not clearly err in its findings of sexual assault because there was competent evidence in the record on which the court could base its findings. *See Smith v. Padolko*, 2008 ME 56, ¶ 14, 955 A.2d 740, 744 (clear error standard of review); *see also Preston v. Tracy*, 2008 ME 34, ¶ 11, 942 A.2d 718, 720 ("It is well established that determinations regarding witness credibility are the exclusive province of the fact-finder.").

Contrary to Filler's remaining claims, the court did not abuse its discretion: (1) by declining to award attorney fees pursuant to 19-A M.R.S. § 105 (2010), *see Nadeau v. Nadeau*, 2008 ME 147, ¶ 59, 957 A.2d 108, 123; (2) in distributing debt and marital property pursuant to 19-A M.R.S. § 953 (2010), *see Carter v. Carter*, 2006 ME 68, ¶ 14, 900 A.2d 200, 203 (abuse of discretion standard); (3) in admitting some of Arguetta's witness testimony and exhibits after Arguetta failed to file a witness and exhibit list, *see Shaw v. Bolduc*, 658 A.2d 229, 234-35 (Me. 1995); and (4) in denying Filler's motion to reconsider the judgment, *see Spencer v. Spencer*, 1998 ME 252, ¶ 10, 720 A.2d 1159, 1162.

The entry is:

Judgment affirmed.

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