

COLLEEN FRANCKE

v.

MICHAEL A. DOYLE

Submitted on Briefs September 26, 2013

Decided October 22, 2013

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

MEMORANDUM OF DECISION

Michael A. Doyle appeals from a judgment of the District Court (Portland, *Moskowitz, J.*) granting an order for protection from harassment against him to Colleen Francke. *See* 5 M.R.S. § 4651(2) (2012). Contrary to Doyle's contentions, the District Court did not commit clear error, *see, e.g., Cates v. Donahue*, 2007 ME 38, ¶¶ 4-5, 15, 916 A.2d 941, and Doyle was not wrongfully denied discovery because he made no discovery requests, *see* 5 M.R.S. § 4658(1) (2012); M.R. Civ. P. 26(a), and because discovery is unlikely to be ordered in protection from harassment proceedings, *see, e.g., Jusseaume v. Ducatt*, 2011 ME 43, ¶ 12, 15 A.3d 714 (recognizing the right of defendants in protection from harassment cases to receive notice of the issues, introduce evidence, present and cross-examine witnesses, respond to claims, and an impartial fact-finder, but not to automatic discovery). Moreover, Doyle cannot prevail on his assertion that the judgment is based on false testimony because "[d]eterminations of witness credibility are uniquely within the fact-finder's authority" and here the court's findings are supported by competent evidence in the record, *Pelletier v. Pelletier*, 2012 ME 15, ¶ 13, 36 A.3d 903.

The entry is:

Judgment affirmed.

**On the briefs:**

Michael A. Doyle, appellant pro se

Nicholas H. Walsh, Esq., Nicholas H. Walsh, P.A., Portland, for  
appellee Colleen Francke

Portland District Court docket number PA-2012-683  
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