JOY E. JANVIER

v.

SHAUN A. JANVIER

Submitted on Briefs October 31, 2013
Decided November 7, 2013

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

MEMORANDUM OF DECISION

Joy E. Janvier appeals from a divorce judgment entered in the District Court (York,[1] *Douglas, J.*) ending her marriage to Shaun A. Janvier and finding, among other things, that ninety percent of the goodwill value of Shaun's dental practice is personal goodwill that is not a species of property subject to equitable division. *See Ahern v. Ahern*, 2008 ME 1, ¶¶ 14-15, 17, 938 A.2d 35.

Contrary to Joy's contentions, the court did not clearly err or exceed the bounds of its discretion in determining on this record that the expert opinion evidence concerning the value of the personal goodwill of Shaun's dental practice met a "threshold level of reliability," was relevant, and would assist the court in determining a fact in issue, nor did the court abuse its discretion in admitting and relying upon that expert opinion evidence. *See* M.R. Evid. 401, 402, 702; *State v. Bickart*, 2009 ME 7, ¶¶ 13-15 & n.3, 27, 963 A.2d 183; *Ahern*, 2008 ME 1, ¶¶ 6-17, 938 A.2d 35; *see generally Runser v. City of Waterville*, 355 A.2d 747, 751 (Me. 1976) (stating, in the context of real estate valuation that, such an

---

[1] The matter was transferred temporarily for trial in the District Court in Springvale, but the case remained on the docket for the District Court in York.

"appraisal, although by its very nature not an exact science since fair market value is at best an approximation, is an area where expert opinion is admissible.").

The entry is:

Judgment affirmed.

On the briefs:

Dana E. Prescott, Esq., Prescott, Jamieson, Nelson & Murphy, LLC, Saco, for appellant Joy E. Janvier

Margaret C. Lavoie, Esq., and Elizabeth J. Scheffee, Esq., Givertz, Scheffee & Lavoie, PA, Portland, for appellee Shaun A. Janvier