

DOUGLAS L. BOOTHBY

v.

EUGENE L. PUTNAM

Submitted on Briefs October 31, 2013

Decided November 12, 2013

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

MEMORANDUM OF DECISION

Eugene L. Putnam appeals from a judgment entered in the Superior Court (Hancock County, *Cuddy, J.*) awarding Douglas L. Boothby damages for Putnam's breach of implied contract and professional negligence as a surveyor hired to determine the southern boundary of Boothby's property on Toddy Pond in Orland. Contrary to Putnam's contentions, the record contains sufficient competent evidence to support the court's finding of professional negligence, *see Graves v. S.E. Downey Registered Land Surveyor, P.A.*, 2005 ME 116, ¶¶ 9-12, 885 A.2d 779; *Theriault v. Murray*, 588 A.2d 720, 722 (Me. 1991); Putnam was not assessed double damages because the Board of Licensure for Professional Land Surveyors did not, in a separate administrative proceeding, order him to pay any damages to Boothby; the court was not responsible for scheduling private mediation and did not abuse its discretion in declining to continue the case, nearly four years after it was commenced, to afford Putnam additional time to seek mediation, *see Provenzano v. Deloge*, 2000 ME 149, ¶ 11, 755 A.2d 549; and the court did not err or abuse its discretion in denying Putnam's motion for reconsideration, which requested relief that the court could not provide and served primarily to restate the same arguments that the court had already rejected in its judgment, *see Shaw v. Shaw*, 2003 ME 153, ¶¶ 7, 8, 839 A.2d 714.

The entry is:

Judgment affirmed.

On the briefs:

Eugene Putnam, appellant pro se

Douglas L. Boothby, appellee pro se

Hancock County Superior Court docket number CV-2011-30
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