

DIRK PROULX

v.

VICKI (PROULX) FLANIGAN

Submitted on Briefs October 31, 2013

Decided December 3, 2013

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

MEMORANDUM OF DECISION

Dirk Proulx appeals from the District Court's (Bridgton, *Powers, J.*) judgment denying his motion to modify, and granting Vicki (Proulx) Flanigan's motion to enforce the parties' divorce judgment with respect to spousal support. *See* 19-A M.R.S. § 951-A (4), (6) (2012). Contrary to Dirk's contention, the court did not err in finding that a substantial change in circumstances had not occurred since the divorce in either his ability to pay or the status of Vicki's relationship with her significant other. *See Ellis v. Ellis*, 2008 ME 191, ¶ 11, 962 A.2d 328. *See also Charette v. Charette*, 2013 ME 4, ¶¶ 8, 10, 13, 60 A.3d 1264. Further, the court did not abuse its discretion in denying Dirk's motion to continue, *see Wright & Mills v. Bispham*, 2002 ME 123, ¶¶ 13, 14, 802 A.2d 430, or by ordering payment of arrearages, *see Roberts v. Roberts*, 1997 ME 138, ¶ 12, 697 A.2d 62, and awarding attorney fees, *see Miele v. Miele*, 2003 ME 113, ¶¶ 6, 14-16, 832 A.2d 760.

Pursuant to 19-A M.R.S. § 952(1)(D) (2012), the District Court has the discretion to award attorney fees to Vicki for defending this appeal. *See Prue v. Prue*, 420 A.2d 257, 260 (Me. 1980) ("Motions for attorneys fees on appeal in divorce cases properly lie in the [trial court] on remand.").

The entry is:

Judgment affirmed. Remanded to the District Court for consideration of reasonable attorney fees to be awarded to Vicki, pursuant to 19-A M.R.S. § 952, for defending this appeal.

On the briefs:

Rita M. Farry, Esq., Shankman & Associates Legal Center, Yarmouth, for appellant Dirk Proulx

Sarah L. Glynn, Esq., Oxford Hills Law, South Paris, for appellee Vicki (Proulx) Flanigan