

LISA T. MERRIMAN

v.

EMIL N. WHITTEN

Submitted on Briefs December 13, 2013  
Decided December 17, 2013

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

#### MEMORANDUM OF DECISION

Emil N. Whitten appeals from a judgment of the District Court (Biddeford, *Foster, J.*) modifying, on his motion, his child support obligation for his child with Lisa T. Merriman in connection with the parties' 2008 divorce. Contrary to Whitten's contentions, the court neither erred nor exceeded its discretion in finding that Whitten failed to prove he is disabled, in imputing income to him based on the amount of his prior workers' compensation benefits, in calculating Merriman's income, or in fashioning a modified child support order on the basis of those findings. *See* 19-A M.R.S. §§ 2001(5)(A), 2009 (2012); *Levasseur v. Levasseur*, 2010 ME 5, ¶ 6, 987 A.2d 528; *Carolyn v. Bell*, 2007 ME 39, ¶ 11, 916 A.2d 945; *Jabar v. Jabar*, 2006 ME 74, ¶ 13, 899 A.2d 796.

The entry is:

Judgment affirmed.

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**On the briefs:**

Emil N. Whitten, pro se appellant

Joe Lewis, Esq., Port City Legal LLC, Portland, for appellee  
Lisa T. Merriman

Biddeford District Court docket number FM-2011-625  
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