

CARRIE B. ANDERSON et al.

v.

CONSTANCE BANKS et al.

Argued May 14, 2013
Decided May 23, 2013

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

MEMORANDUM OF DECISION

Carrie B. Anderson, Deborah B. Collins, Liela B. Johnson, and Rebecca York (collectively, the sisters) appeal from a judgment of the Superior Court (Hancock County, *Cuddy, J.*) confirming an arbitration award in favor of Constance Banks, William Banks Jr., and Mary L. Banks (collectively, the Bankses). We held in favor of the Bankses in a previous appeal arising out of this dispute. *See Anderson v. Banks*, 2012 ME 6, ¶¶ 13-21, 37 A.3d 915. The sisters now argue that the Superior Court erred in confirming a subsequent award of attorney fees because the arbitrator exceeded his powers by misinterpreting the settlement agreement's attorney fees provisions. Contrary to the sisters' contention, 14 M.R.S. § 5938(1) (2012) directs a court to confirm an arbitration award "if any rational construction of the agreement could support the award." *See Am. Fed'n of State, Cnty, & Mun. Emps., Council 93 v. City of Portland*, 675 A.2d 100, 102 (Me. 1996); *see also HL 1, LLC v. Riverwalk, LLC*, 2011 ME 29, ¶ 28, 15 A.3d 725 (holding that section 5938(1) lists the exclusive bases for refusing to confirm an arbitration award); *Union River Valley Teachers Ass'n v. Lamoine Sch. Comm.*, 2000 ME 57, ¶ 5, 748 A.2d 990 (holding that the party objecting to confirmation of an arbitration award bears the burden of proving that the arbitrator

exceeded his powers). A rational reading of the agreement supports the award here.

The entry is:

Judgment affirmed.

On the briefs:

Barry K. Mills, Esq., Hale & Hamlin, LLC, Ellsworth, for appellants Carrie B. Anderson, Deborah B. Collins, Leila B. Johnson, and Rebecca B. York

William D. Robitzek, Esq., Berman & Simmons, P.A., Lewiston, for appellee William Banks Jr.

Randolph A. Mailloux, Esq., Mailloux & Marden, P.A., Belfast, for appellee Constance Banks

Peter R. Roy, Esq., Roy, Beardsley, Williams & Granger, LLC, Ellsworth, for appellee Mary L. Banks

At oral argument:

Barry K. Mills, Esq., for appellants Carrie B. Anderson, Deborah B. Collins, Leila B. Johnson, and Rebecca B. York

William D. Robitzek, Esq., for appellees William Banks Jr., Constance Banks, and Mary L. Banks