

TRACEY NEILD

v.

CORINA DURKEE

Argued May 14, 2013  
Decided May 30, 2013

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

#### MEMORANDUM OF DECISION

Corina Durkee appeals from a summary judgment entered in the Superior Court (Lincoln County, *Hjelm, J.*) awarding Tracey Neild compensatory and punitive damages for injuries sustained when Durkee and Earl Beiler III murdered Neild's friend in her presence and cut Neild's throat with a knife. Because Durkee did not move for further findings of fact or conclusions of law pursuant to M.R. Civ. P. 52(a), we infer that the trial court made all the necessary findings with regard to aggravating and mitigating factors to support its determination that Neild was entitled to one million dollars in punitive damages. *See Pelletier v. Pelletier*, 2012 ME 15, ¶ 20, 36 A.3d 903. Additionally, the award was not excessive in light of Durkee's constitutional guarantees of due process. *See, e.g., BMW of N. Am., Inc. v. Gore*, 517 U.S. 559, 574-85 (1996); *Harris v. Soley*, 2000 ME 150, ¶¶ 31-35, 756 A.2d 499.

Further, Durkee has not shown that the trial court's denial of her motion to continue the damages hearing had any prejudicial impact on her substantial rights. *See Farrell v. Theriault*, 464 A.2d 188, 192 (Me. 1983); M.R. Civ. P. 61. Therefore, the trial court did not abuse its discretion in denying Durkee's motion

for a continuance. *See Farrell*, 494 A.2d at 191 (stating that the standard of review for the denial of a motion to continue is for an abuse of discretion).

The entry is:

Judgment affirmed.

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**On the briefs:**

Taylor S. Kilgore and Erin K. McNamara, Student Attorneys, and E. James Burke, Esq., Supervising Atty., Cumberland Legal Aid Clinic, Portland, for appellant Corina Durkee

Sumner H. Lipman, Esq., and James T. Lawley, Esq., Lipman & Katz, P.A., Augusta, for appellee Tracey Neild

**At oral argument:**

Taylor S. Kilgore Student Attorney, for appellant Corina Durkee

James T. Lawley, Esq., for appellee Tracey Neild