

WALTER THURSTON

v.

W.C. WEATHERBEE AND SONS, INC., et al.

Argued December 17, 2013

Decided October 16, 2014

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

MEMORANDUM OF DECISION

Walter Thurston appeals from a judgment of the Superior Court (Penobscot County, *Anderson, J.*) entered as a matter of law on Thurston's claim alleging the negligence of Wayne Hartt, d/b/a A-1 Electric, and from a judgment entered upon a jury's verdict in favor of W.C. Weatherbee and Sons, Inc., on Thurston's premises liability claim. A careful review of the record demonstrates that, contrary to Thurston's contentions, the court did not err in granting to Hartt a judgment as a matter of law because expert testimony is required to establish the standard of care of a professional electrician and no exception to that requirement applied, *see Garland v. Roy*, 2009 ME 86, ¶ 17, 976 A.2d 940; *Graves v. S.E. Downey Registered Land Surveyor, P.A.*, 2005 ME 116, ¶ 10, 885 A.2d 779; *Lewis v. Knowlton*, 1997 ME 12, ¶ 6, 688 A.2d 912; *Seven Tree Manor, Inc. v. Kallberg*, 1997 ME 10, ¶ 6, 688 A.2d 916; the court did not err or abuse its discretion in its evidentiary rulings regarding the admissibility of expert testimony, *see Tolliver v. Dep't of Transp.*, 2008 ME 83, ¶ 35, 948 A.2d 1223; *Levesque v. Chan*, 569 A.2d 600, 601 (Me. 1990), the admissibility of a memorandum prepared in advance of a lease, *see O'Brien v. J.G. White & Co.*, 105 Me. 308, 311-12, 74 A. 721 (1909); *cf. Brown Dev. Corp. v. Hemond*, 2008 ME 146, ¶ 13, 956 A.2d 104, the admissibility of evidence of Thurston's bankruptcy, *see Camp Takajo, Inc. v. SimplexGrinnell, L.P.*, 2008 ME 153, ¶ 14, 957 A.2d 68; *Kaechele v. Kenyon Oil*

Co., 2000 ME 39, ¶ 6, 747 A.2d 167; *Nyzio v. Vaillancourt*, 382 A.2d 856, 860-61 (Me. 1978), or the admissibility of evidence that an unlicensed electrician had done unknown work on the building in the past, *see* M.R. Evid. 401, 402. Reviewing the jury instructions in their entirety, we discern no prejudicial error in the court's instructions regarding W.C. Weatherbee's potential liability. *See Merrill v. Sugarloaf Mountain Corp.*, 2000 ME 16, ¶ 14, 745 A.2d 378.

The entry is:

Judgment affirmed.

On the briefs:

Charles E. Gilbert, III, Esq., and Julie D. Farr, Esq., Gilbert & Breif, P.A., Bangor, for appellant Walter Thurston

Elizabeth A. Germani, Esq., Germani Martemucci Riggle & Hill, Portland, for appellee Wayne Hartt

Christopher C. Taintor, Esq., Norman, Hanson & DeTroy, LLC, Portland, and J. William Druary, Jr., Esq., Marden, Dubord, Bernier & Stevens, P.A., LLC, Waterville, for appellee W.C. Weatherbee & Sons, Inc.

At oral argument:

Charles E. Gilbert, III, Esq., for appellant Walter Thurston

Elizabeth A. Germani, Esq., for appellee Wayne Hartt

Christopher C. Taintor, Esq., for appellee W.C. Weatherbee & Sons, Inc.