

CARLA THURSTON

v.

ROBERT NGUYEN et al.

Argued October 9, 2014
Decided October 30, 2014

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

MEMORANDUM OF DECISION

Carla Thurston appeals from a judgment on a jury verdict entered in the Superior Court (Cumberland County, *Wheeler, J.*) in favor of defendants Robert Nguyen and the Town of Buxton. The jury found Nguyen not negligent in a Portland accident involving a Buxton-owned ambulance driven by Nguyen and a van driven by Thurston's husband. Contrary to Thurston's contentions, the court did not abuse its discretion in excluding Lieutenant Glen Reed's testimony pursuant to M.R. Evid. 403 because (1) it had the potential to mislead the jury, and (2) Reed's experience as an ambulance operator at the Scarborough Fire Department did not give him proper foundation to testify to the procedures of emergency vehicles in Buxton or Portland. *See E. N. Nason, Inc. v. Land-Ho Dev. Corp.*, 403 A.2d 1173, 1180 (Me. 1979) ("An expert's opinion must be based on a sufficient factual basis to which his specialized knowledge may be applied.").

The entry is:

Judgment affirmed.

On the briefs:

Philip P. Mancini, Esq., Andrew P. Pierce, Esq., and Patrick C. Lever, Esq., Drummond & Drummond, LLP, Portland, for appellant Carla Thurston

Jonathan W. Brogan, Esq., and Kelly M. Hoffman, Esq., Norman, Hanson & DeTroy, LLC, Portland, for appellees Robert Nguyen and the Town of Buxton

At oral argument:

Philip P. Mancini, Esq., for appellant Carla Thurston

Jonathan W. Brogan, Esq., for appellees Robert Nguyen and the Town of Buxton