

JANICE BUCKINGHAM

v.

CLIFTON BRADFORD

Submitted on Briefs February 27, 2014
Decided March 6, 2014

Panel: ALEXANDER, LEVY, SILVER, MEAD, GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Clifton Bradford appeals from a judgment entered in the District Court (Ellsworth, *Mallonee, J.*) in favor of Janice Buckingham on her complaint against him for breach of an oral contract. Specifically, Bradford argues on appeal that the court abused its discretion in denying his post-judgment motions for a new trial and to amend the judgment, *see* M.R. Civ. P. 59, because the court had issued the judgment without first listening to the then-misplaced trial recording, despite suggesting that it would like to, and because there was no indication that the court listened to the recovered recording before denying Bradford's post-judgment motions.

Contrary to Bradford's contentions, the court did not abuse its discretion in denying his motions for a new trial or to amend the judgment. *See* M.R. Civ. P. 59(a), (e), (f); *Theberge v. Theberge*, 2010 ME 132, ¶ 21, 9 A.3d 809 (stating the standard of review of the denial of a motion to amend the judgment); *Estate of Fournier*, 2009 ME 17, ¶ 11, 966 A.2d 885 (stating the standard of review of the denial of a motion for new trial). Although the trial recording was located, the court, which heard all of the testimonial evidence first-hand at trial, was not obligated to listen to the trial recording before entering judgment or denying Bradford's post-judgment motions.

The entry is:

Judgment affirmed.

On the briefs:

William B. Blaisdell, IV, Esq., Blaisdell & Blaisdell, Ellsworth, for
appellant Clifton Bradford

Toff Toffolon, Esq., Machias, for appellee Janice Buckingham