

FLORENCE R. (MATHIESON) COLBY

v.

JOHN H. MATHIESON

Argued February 11, 2014

Decided March 6, 2014

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

MEMORANDUM OF DECISION

John H. Mathieson appeals from a divorce judgment entered in the District Court (Rockland, *Ende, J.*) dissolving his marriage to Florence R. (Mathieson) Colby. Contrary to John’s contention, the trial court did not abuse its discretion or otherwise err in awarding spousal support to Florence, *see Carter v. Carter*, 2006 ME 68, ¶¶ 19-20, 900 A.2d 200, allocating the parties’ marital property and debts, *see Warren v. Warren*, 2005 ME 9, ¶¶ 45-47, 866 A.2d 97, and ordering John to pay a portion of Florence’s attorney fees and expert costs, *see Wooldridge v. Wooldridge*, 2002 ME 34, ¶ 8, 791 A.2d 107. Further, the court acted within its discretion in allowing Florence to present expert testimony to establish the value of the marital business. *See Bray v. Grindle*, 2002 ME 130, ¶¶ 9-10, 802 A.2d 1004 (declining to assign error to trial court’s order permitting the testimony of an expert witness, who, although untimely designated, had been known to the opposing party “long before trial,” and thus did not amount to an “unfair[] surprise[].”); *see also* M.R. Evid. 702. *Cf. Coppola v. Coppola*, 2007 ME 147, ¶ 1 n.1, 938 A.2d 786.

The entry is:

Judgment affirmed.

On the briefs and at oral argument:

Christopher K. MacLean, Esq., Elliott & MacLean, LLP,
Camden, for appellant John H. Mathieson

Kelley E. Mellenthin, Esq., Lincolnville Center, for appellee
Florence R. (Mathieson) Colby

Rockland District Court docket number FM-2011-239
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