

KENNEBEC BEHAVIORAL HEALTH et al.

v.

DANIEL A. OUELLETTE

Submitted On Briefs June 2, 2015

Decided June 9, 2015

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

MEMORANDUM OF DECISION

Daniel A. Ouellette appeals from a protection from harassment order entered by the District Court (Augusta, *Dobson, J.*) that prevented him from having contact with Dr. Karen Mosher or any other employee of Kennebec Behavioral Health, except for one designated person for the purpose of pursuing grievances against the facility or its staff.

Contrary to Ouellette's contention, the court did not violate his due process rights. Although he did not receive notice that the hearing on his motion to dissolve the temporary order had been continued to the next day, the lack of notice was not prejudicial because he nonetheless appeared, fully participated at the hearing, and did not object to the scheduling change. *See Jusseaume v. Ducatt*, 2011 ME 43, ¶ 12, 15 A.3d 714. The court's adjudication of the merits of the complaint at the hearing was similarly not prejudicial because Ouellette had notice of and at least impliedly consented to the court's decision to do so. *See DiBiase v. Universal Design & Builders, Inc.*, 473 A.2d 875, 877 (Me. 1984). Moreover, the court's findings are supported by competent evidence in the record, and it did not abuse its discretion by issuing the protection from harassment order. *See 5 M.R.S. § 4651* (2014).

The entry is:

Judgment affirmed.

On the briefs:

Daniel A. Ouellette, appellant pro se

Kenneth W. Lehman, Esq., and Molly B. Gilligan, Esq.,
Bernstein, Shur, Sawyer & Nelson, Portland, for appellees
Kennebec Behavioral Health and Karen Mosher