

FERRAILO CONSTRUCTION COMPANY, INC.

v.

JOSH CROWLEY

Submitted on Briefs September 29, 2016

Decided October 6, 2016

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

MEMORANDUM OF DECISION

Josh Crowley d/b/a Crowley Concrete appeals from a judgment on Crowley's counterclaim against Ferraiolo Construction Company, Inc., entered by the District Court (Rockland, *Billings, J.*), which awarded Crowley direct damages but not consequential damages, *see* 11 M.R.S. § 2-715(2) (2015). Contrary to Crowley's contention, the record provided the court with ample evidence to support its damages award. *See Estate of Gagnon*, 2016 ME 129, ¶ 13, --- A.3d ---; *Dionne v. LeClerc*, 2006 ME 34, ¶ 15, 896 A.2d 923. Although we decline Ferraiolo's request for sanctions pursuant to M.R. App. P. 13(f), we remand for the trial court's consideration of whether to award Ferraiolo attorney fees and costs incurred on appeal.

The entry is:

Judgment affirmed. Remanded for consideration of attorney fees and costs on appeal.

On the briefs:

Paul R. Dionne, Esq., Dionne & Couturier, LLC,
Lewiston, for appellant Josh Crowley

C. H. Spurling, Esq., Gardiner, for appellee Ferraiolo
Construction Company, Inc.

Rockland District Court docket number CV-2014-86
FOR CLERK REFERENCE ONLY