

MARANDA G. MATHIEU

v.

TODD G. MATHIEU

Submitted on Briefs February 25, 2016  
Decided March 29, 2016

Panel: ALEXANDER, MEAD, GORMAN, HJELM, and HUMPHREY, JJ.

#### MEMORANDUM OF DECISION

Maranda G. Mathieu appeals from a judgment of the District Court (Waterville, *Stanfill, J.*) granting Todd G. Mathieu's motion to modify parental rights and responsibilities. Contrary to Maranda's contentions, we discern no error or abuse of discretion in the court's finding that the parties did not have an enforceable agreement to modify parental rights and responsibilities or its conclusion that it was in the children's best interests to reside with their father and remain in the Waterville school district. *See* 19-A M.R.S. §§ 1653, 1657(2)(A-1) (2015); *Bulkley v. Bulkley*, 2013 ME 101, ¶¶ 14-16, 82 A.3d 116; *Dewhurst v. Dewhurst*, 2010 ME 99, ¶ 11, 5 A.3d 23.

Additionally, assuming that Maranda has preserved the issue of attorney fees despite her failure to pursue it, the court did not abuse its discretion by failing to award attorney fees to her. Although Maranda is correct that the court made no express ruling on her oral motion, *see Jones v. Suhre*, d, 517 (Me. 1975) ("Generally a party is entitled to a ruling on a motion."), because her request for attorney fees was in the nature of a sanction and was not based on the parties' relative financial abilities to pay,<sup>1</sup> and because the court properly found that the parties did not have an enforceable agreement, we infer that the court denied her

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<sup>1</sup> *See* 19-A M.R.S. § 105(1) (2015); *True v. Harmon*, 2015 ME 14, ¶ 7, 110 A.3d 650.

motion. *See Addington v. Farmer's Elevator Mut. Ins. Co.*, 650 F.2d 663, 666 (5th Cir. 1981) (denial of a motion may be implied when a trial court enters an order inconsistent with the granting of the relief sought by the motion); *cf. AFSCME, Council 93 v. City of Portland*, 675 A.2d 100, 104 (Me. 1996).

The entry is:

Judgment affirmed.

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**On the briefs:**

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appellant Maranda G. Mathieu

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