

TOWN OF OLD ORCHARD BEACH

v.

WENDY C. ALLEN

Submitted on Briefs April 21, 2016
Decided April 28, 2016

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

MEMORANDUM OF DECISION

Wendy C. Allen appeals from an order of the District Court (Biddeford, *Mulhern, J.*) issued after a contested hearing, directing the Town of Old Orchard Beach to retain possession of ten of her cats and requiring her to pay restitution of \$1,575.16 for veterinary expenses paid by the Town after the cats were seized pursuant to an ex parte order.¹ See 17 M.R.S. § 1021(3)(A), (4), (6)(B) (2015). Contrary to her argument on appeal, the evidence was sufficient for the court to make the findings required by section 1021(3) for such an order. Further, to the extent that Allen has preserved for review her arguments relating to the hearing process, see *Brown v. Town of Starks*, 2015 ME 47, ¶¶ 6-7, 114 A.3d 1003, we find no error but rather commend the court for presiding in a patient and respectful manner.

¹ Title 17 M.R.S. § 1021(6)(D) requires, as a condition to an appeal, a defendant to give sufficient security for the expenses of supporting and caring for the animal pending the appeal. The court did not order Allen to post any security here, but that omission did not prejudice her rights.

The entry is:

Judgment affirmed.

On the briefs:

Wendy C. Allen, appellant pro se

Ann Freeman, Esq., Bernstein Shur, Portland, for appellee
Town of Old Orchard Beach

Biddeford District Court docket numbers CV-2015-58, CV-2015-59
FOR CLERK REFERENCE ONLY