

LYDIA TEMPLETON

v.

JONATHAN WEISLOGEL

Submitted on Briefs April 27, 2017  
Decided May 16, 2017

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

## MEMORANDUM OF DECISION

Jonathan Weislogel appeals from an order of the Superior Court (Lincoln County, *Billings, J.*) denying his motion to stay civil proceedings pending final disposition of a related criminal case. We agree with Weislogel that because the court's denial of his motion to stay implicates a potential infringement on his constitutional rights, the death knell exception to the final judgment rule applies, and we therefore address his appeal on the merits rather than dismiss it as interlocutory. *See Morse Bros. v. Webster*, 2001 ME 70, ¶ 14, 772 A.2d 842.

We review denial of Weislogel's motion to stay for an abuse of discretion. *See State v. Curtis*, 295 A.2d 252, 254 (Me. 1972); *see also McLeod v. Macul*, 2016 ME 76, ¶ 6, 139 A.3d 920. "Our review for an abuse of discretion involves three questions: (1) whether the court's factual findings are supported by the record according to the clear error standard, (2) whether the court understood the law applicable to the exercise of its discretion, and (3) whether the court's weighing of the applicable facts and choices was within the bounds of reasonableness." *Green Tree Servicing, LLC*

*v. Cope*, 2017 ME 68, ¶ 12, --- A.3d --- (quotation marks omitted). Despite Weislogel's contentions, we conclude that the court did not err in its findings of fact or its conclusions of law, and reasonably weighed the applicable facts and choices. Therefore, the court did not abuse its discretion in denying Weislogel's motion to stay.

The entry is:

Judgment affirmed.

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Kelly W. McDonald, Esq., and Stacey D. Neumann, Esq., Murray, Plumb & Murray, Portland, for appellant Jonathan Weislogel

Justin W. Andrus, Esq., and Jeffrey A. Schwartz, Esq., Andrus Law, LLC, Brunswick, for appellee Lydia Templeton