

CATHERINE GOURLAOUEN

v.

SELCUK KARAMANOGLU

Submitted on Briefs January 19, 2017
Decided January 31, 2017

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

MEMORANDUM OF DECISION

Selcuk Karamanoglu appeals from an order of the District Court (Portland, *Powers, J.*) extending Catherine Gourlaouen’s protection from abuse order by thirteen months, 19-A M.R.S. § 4007(2) (2016).¹ On appeal, Karamanoglu argues that (1) there were insufficient factual findings to support the extension of the protection from abuse order, and (2) a referee’s finding in the parties’ divorce judgment—that he does not pose a present or future risk of harm to Gourlaouen—precludes the extension of the protection from abuse order on the grounds of res judicata and collateral estoppel.

“If the appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant *shall* include in the record a transcript of all the evidence relevant to such a finding or conclusion.” M.R. App. P. 5(b)(2) (emphasis added); *see also Hutchinson v.*

¹ The extension also applied to Gourlaouen’s son from a previous marriage.

Bruyere, 2015 ME 16, ¶¶ 10-11, 111 A.3d 36 (dismissing the appeal for failure to properly file necessary transcripts of the trial proceedings).

Karamanoglu seeks to challenge the factual findings of the District Court, but failed to provide a complete transcript of the proceedings from which he appeals as required by our appellate rules. Although we decline to dismiss the appeal on this ground, when an appealing party fails to provide a transcript of the trial court proceedings we will assume that the record supports the trial court's findings. *See Rainbow v. Ransom*, 2010 ME 22, ¶ 3, 990 A.2d 535.

Here, the District Court's findings that Gourlaouen's and her son's fear of Karamanoglu was objectively reasonable and that ongoing protection was needed—which were based, in part, on Karamanoglu's abusive conduct underlying the initial order—are sufficient to warrant the extension of the protection from abuse order. *See Gehrke v. Gehrke*, 2015 ME 58, ¶ 21, 115 A.3d 1252. Thus, the District Court did not abuse its discretion in extending the protection order by thirteen months. *See Copp v. Liberty*, 2008 ME 97, ¶ 10, 952 A.2d 976.

Despite the referee's finding in the divorce action, the District Court was not barred from finding that an extension of the protection order was necessary because the issue decided in the divorce action did not involve Gourlaouen's son from a prior marriage and addressed a different statute and standard than the decision to extend the protection from abuse order.² Therefore, the issue litigated in the divorce action was not the identical factual issue that was litigated on the motion to extend, and principles of collateral

² Title 19-A M.R.S. § 1653(6)(B) (2016) outlines conditions a court may impose regarding parent-child contact in cases involving domestic abuse. "The evident purpose of section 1653(6)(B) is to create a remedial mechanism to protect the safety of a child who has contact with an abusive parent, and also to protect the safety of others who have some involvement in that contact." *Karamanoglu v. Gourlaouen*, 2016 ME 86, ¶ 17, 140 A.3d 1249. In contrast, the statute implicated in protection proceedings outlines when a court may extend a protection from abuse order, stating that "the court may extend an order. . . for such additional time as it determines necessary to protect the plaintiff or minor child from abuse." *See* 19-A M.R.S. § 4007(2) (2016). The purpose underlying the protection from abuse statute is to "allow family . . . members who are victims of domestic abuse to obtain expeditious and effective protection against further abuse so that the lives of the nonabusing family . . . members are as secure and uninterrupted as possible." *Id.* § 4001(2).

estoppel are not implicated. *See Pearson v. Wendell*, 2015 ME 136, ¶ 24, 125 A.3d 1149.

The entry is:

Judgment affirmed.

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La-Qiana Perez-Saxon, Esq., Powers & French, P.A., Freeport, for appellee Catherine Gourlaouen

Portland District Court docket number PA-2014-10
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