

JANE DOE

v.

STEVEN W. WARDWELL JR.

Submitted on Briefs October 10, 2018  
Decided October 18, 2018

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

## MEMORANDUM OF DECISION

Steven W. Wardwell Jr. appeals from a protection from abuse order entered in the District Court (Newport, *Montgomery, J.*) on a complaint filed by his ex-wife on behalf of herself and their children. *See* 19-A M.R.S. § 4007(1) (2017). At Wardwell's request, the court continued the final hearing on the complaint on three occasions over a period of more than three months, initially so that Wardwell could arrange for his appearance on the matter while he was incarcerated, and then twice more so that his attorney could prepare for the final hearing.<sup>1</sup> The court (*Budd, J.*) denied further requests for continuances, citing the statute's requirement that a hearing be held within twenty-one days of the filing of the complaint and questioning the relevance of the discovery Wardwell sought. *See* 19-A M.R.S. § 4006(1) (2017).

Contrary to Wardwell's contention, the protection from abuse statute does not contemplate months of extensive discovery. While the statute does provide that protection from abuse proceedings must be held in accordance

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<sup>1</sup> The District Court continued the hearing again until May 8, 2018, for administrative reasons.

with the Maine Rules of Civil Procedure, those rules apply “[u]nless otherwise indicated” by the statute. 19-A M.R.S. § 4010(1) (2017). The Legislature expressly commanded that a hearing must be held within twenty-one days and the entire statute must be liberally construed to promote its underlying purposes—among them, assisting abuse victims obtain “expeditious and effective protection” and “promptly entering and diligently enforcing” protective orders. *Id.* §§ 4001(2), (3), 4006(1). The extensive discovery that Wardwell seeks would frustrate these explicit purposes. *See Daud v. Abdullahi*, 2015 ME 48, ¶11, 115 A.3d 77.

The entry is:

Judgment affirmed.

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Lisa Chase, Esq., Pine Tree Legal Assistance, Inc., Presque Isle, for appellee Jane Doe