

WVUE 2015-1

v.

JOHN W. ALLEN JR.

Submitted November 21, 2019

Decided December 10, 2019

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

MEMORANDUM OF DECISION

WVUE 2015-1 (WVUE), a corporation, appeals from a judgment entered by the Superior Court (York County, *O'Neil, J.*) in favor of John W. Allen Jr. on a complaint for foreclosure concerning real property in Arundel.

WVUE contends that the court erred in excluding certain exhibits as a sanction, pursuant to M.R. Civ. P. 16(d), for WVUE's failure to comply with a pretrial order. We review a court's imposition of Rule 16 sanctions for an abuse of discretion, *Reeves v. Travelers Ins. Cos.*, 421 A.2d 47, 50 (Me. 1980), factual determinations underlying evidentiary rulings for clear error, and a court's ultimate decision to admit or exclude evidence for an abuse of discretion. *Bank of Am., N.A. v. Greenleaf*, 2014 ME 89, ¶ 25, 96 A.3d 700.

Contrary to WVUE's arguments, the court did not abuse its discretion by excluding WVUE's exhibit as a sanction for failure to comply with the court's pretrial order. See *Butler v. Poulin*, 500 A.2d 257, 260 (Me. 1985). Further, the court's determination that the evidentiary record did not contain sufficient facts to prove the amount due was not clearly erroneous. See *M&T Bank v. Plaisted*, 2018 ME 121, ¶ 29, 193 A.3d 601.

Finally, Allen moved that sanctions be imposed upon WVUE pursuant to M.R. App. P. 13(f) (2018), arguing that an ongoing suit on the part of WVUE against its trial counsel proved that this appeal was frivolous. However, Allen failed to brief the issue as ordered, and the motion for sanctions is denied.

The entry is:

Judgment affirmed. Motion for sanctions denied.

Andrew J. Schaefer, Esq., Bendett & McHugh, P.C., Portland, for appellant WVUE
2015-1

Thomas A. Cox, Esq., Portland, for appellee John W. Allen Jr.

York County Superior Court docket number RE-2017-75
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