

MARTIN WRIGHT

v.

LARRY BOWDEN

Submitted on Briefs April 24, 2019  
Decided May 2, 2019

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

#### MEMORANDUM OF DECISION

In May 2018, a Penobscot County jury returned a verdict finding for Larry Bowden, d/b/a Larry's Used Cars, on Martin Wright's civil complaint alleging, inter alia, that Bowden violated 10 M.R.S. § 1474(4) (2018) when he sold Wright a car without a statutorily-required notice disclosing the car's condition. The jury also returned a verdict finding for Bowden on his counterclaim alleging that Wright had not made all of the payments on the car. The Superior Court (*Anderson, J.*) entered a judgment awarding Bowden damages on his counterclaim in accordance with the verdict. Wright appeals from a subsequent judgment entered by the court denying his M.R. Civ. P. 59 motion to alter or amend the judgment awarding damages or for a new trial.

Contrary to Wright's contention, the court's determination that the jury could have found from the evidence that the omission of the required notice was the result of an "unintentional . . . bona fide error," 10 M.R.S. § 1477(2)-(3) (2018), was not a "clear and manifest abuse of [the court's] discretion," *Binette v. Deane*, 391 A.2d 811, 813 (Me. 1978) (quotation marks omitted).

The entry is:

Judgment affirmed.

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Jeanne C. Sund, Esq., Robinson, Kriger & McCallum, Portland, for appellant Martin Wright

Kirk D. Bloomer, Esq., Bloomer Russell Baupain, Bangor, and John C. Sheldon, Esq., Westbrook, for appellee Larry Bowen

Penobscot County Superior Court docket number CV-2016-142  
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