

MARK C. KLEIN

v.

JESSICA A. DEMERS

Submitted on Briefs January 23, 2020
Decided January 30, 2020

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

MEMORANDUM OF DECISION

In *Klein v. Klein*, 2019 ME 85, 208 A.3d 802, we vacated the parties' divorce judgment entered by the District Court (Portland, *Cashman, J.*) in part and remanded "for the court to make further factual findings based upon the substantial record already before it and to enter a new or renewed judgment on final decision-making authority and [Mark C.] Klein's contact with the [parties'] child." *Id.* ¶ 8 (footnote omitted). After the court issued an order making twenty-nine findings and leaving the portions of the divorce judgment at issue unchanged, Klein filed a seventy-four-page motion asking the court to either reconsider its order or make 372 further findings of fact. *See* M.R. Civ. P. 52(b), 59(e). The court denied the motion in its entirety, and Klein appealed.

We review a court's order on a motion to reconsider an award of parental rights and responsibilities and for further findings of fact for an abuse of discretion. *Klein*, 2019 ME 85, ¶ 5, 208 A.3d 802; *Shaw v. Shaw*, 2003 ME 153, ¶ 7, 839 A.2d 714. Contrary to Klein's contentions, the trial court's findings support the court's judgment allocating final decision-making authority concerning the child to Jessica A. Demers and establishing a schedule for Klein's

contact with the child.¹ We conclude that the court did not abuse its discretion in denying Klein’s motion. *See* M.R. Civ. P. 7(b)(5); *Sulikowski v. Sulikowski*, 2019 ME 143, ¶ 11, 216 A.3d 893; *Roalsvik v. Comack*, 2019 ME 71, ¶ 3, 208 A.3d 367.

The entry is:

Judgment affirmed.

Daniel D. Feldman, Esq., Hallett Whipple Weyrens, Portland, for appellant Mark C. Klein

Christopher R. Causey, Esq., Bourque Clegg Causey & Morin LLC, Sanford, for appellee Jessica Demers Klein

Portland District Court docket number FM-2016-735
FOR CLERK REFERENCE ONLY

¹ With one exception, the court’s thorough findings are supported by record evidence. *See Klein v. Klein*, 2019 ME 85, ¶ 6, 208 A.3d 802 (“[T]he court’s judgment must be supported by express factual findings that are based on record evidence [and] are sufficient to support the result[.]” (alteration and quotation marks omitted)). Although the court found that Demers had asked Klein to stop engaging in a particular behavior with the child and that Klein did not, Demers testified that she “never expressly told him” to stop the behavior. The error does not affect the result here.