

LORI M. AMES

v.

MARK K. AMES

Argued February 12, 2020
Decided March 3, 2020

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

MEMORANDUM OF DECISION

Mark K. Ames appeals from a judgment of the District Court (Rockland, *Mathews, J.*) denying his motion to modify the terms of his divorce from Lori M. Ames and granting Lori's motion for contempt. Contrary to Mark's contentions, we discern no error of fact or law in either the court's determination that he has been and will be able to pay his full spousal support obligation or its imposition of coercive imprisonment as a remedy for his failure to comply with that court-ordered obligation.¹ See *Murphy v. Bartlett*, 2014 ME 13, ¶¶ 8, 12, 86 A.3d 610; *Charette v. Charette*, 2013 ME 4, ¶¶ 14-16, 60 A.3d 1264; *Zink v. Zink*, 687 A.2d 229, 232-33 (Me. 1996). We also decline

* Although not available at oral argument, Justice Gorman participated in the development of this opinion. See M.R. App. P. 12(a)(2) ("A qualified Justice may participate in a decision even though not present at oral argument.").

¹ The total arrearage amount in the order contains a small calculation error. The court found that the arrearage covered thirteen months of total nonpayment plus the partial nonpayment in February of 2018, when Mark paid only \$2,005. Thus, the arrearage is $\$4,500 \times 13 + \$2,495 = \$60,995$, rather than the erroneous calculation of \$60,950. We direct the clerk's office to correct this error.

to disturb the court's finding that there has been no substantial change in circumstances to justify modifying the amount of spousal support. *See McNutt v. McNutt*, 2018 ME 86, ¶ 14, 188 A.3d 202; *Voter v. Voter*, 2015 ME 11, ¶¶ 18-20, 109 A.3d 626.

The entry is:

Judgment affirmed.

Christopher K. MacLean, Esq., and Laura P. Shaw, Esq. (orally), Camden Law LLP, Camden, for appellant Mark Ames

C.H. Spurling, Esq. (orally), Gardiner, for appellee Lori M. Ames

Rockland District Court docket number FM-2014-2
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