

PORTLAND MUSEUM OF ART

v.

ANNEMARIE GERMAIN

Submitted on Briefs April 14, 2020
Decided May 5, 2020

Panel: MEAD, GORMAN, HUMPHREY, and CONNORS, JJ., and HJELM, A.R.J.

MEMORANDUM OF DECISION

Annemarie Germain appeals from a judgment entered against her by the Superior Court (Sagadahoc County, *Billings, J.*) after a jury found that she had wrongfully interfered with an expected inheritance of the Portland Museum of Art and awarded the Museum both compensatory and punitive damages. Contrary to Germain's contention, the court did not abuse its discretion when it admitted evidence that she had received a large inheritance from another testator; the evidence was relevant to the issue of punitive damages and any risk of unfair prejudice to Germain was sufficiently mitigated by the court's limiting instruction to the jury. *See Estate of Hoch v. Stifel*, 2011 ME 24, ¶¶ 61-62, 16 A.3d 137; *see also State v. Ardolino*, 1997 ME 141, ¶ 18, 697 A.2d 73 (noting that we defer to the court's determinations regarding potential prejudice unless clearly erroneous and "presume that the jury heeds the court's instruction[s]").

Furthermore, the evidence was sufficient to generate a punitive damages jury instruction and to support the jury's award of punitive damages. *See Tuttle v. Raymond*, 494 A.2d 1353, 1361-64 (Me. 1985) (holding that punitive damages are available where there is clear and convincing evidence of

“deliberate conduct by the defendant [that], although motivated by something other than ill will toward any particular party, is so outrageous that malice toward a person injured as a result of that conduct can be implied”); *see also State v. Haag*, 2012 ME 94, ¶ 17, 48 A.3d 207 (“As the fact-finder, the jury is permitted to draw all reasonable inferences from the evidence presented at trial.”).

The entry is:

Judgment affirmed.

Gene R. Libby, Esq., and Tyler J. Smith, Esq., Libby O’Brien Kingsley & Champion, LLC, Kennebunk, for appellant Annemarie Germain

Thimi R. Mina, Esq., and Alfred C. Frawley IV, Esq., McCloskey, Mina, Cunniff & Frawley, LLC, Portland, for appellee Portland Museum of Art