

SUSAN F. THURLOW

v.

JOHN P. THURLOW

Submitted on Briefs May 4, 2020
Decided May 12, 2020

Panel: MEAD, JABAR, HUMPHREY, HORTON, AND CONNORS, JJ.

MEMORANDUM OF DECISION

John Thurlow appeals from a judgment entered by the District Court (Portland, *Kelly, J.*), finding him to be in contempt of the court's prior divorce judgment, ordering him to comply with the divorce judgment, and ordering him to pay a compensatory fine. Contrary to John's contention, the court did not err in finding that he had refused to comply with the divorce judgment and that he had the ability to do so, therefore finding him to be in contempt. *See Lewin v. Skehan*, 2012 ME 31, ¶ 19, 39 A.3d 58; *Edwards v. Campbell*, 2008 ME 173, ¶ 9, 960 A.2d 324. The court's findings were supported by competent record evidence and the plain language of the divorce judgment. *Campbell*, 2008 ME 173, ¶ 9, 960 A.2d 324.

We also discern no abuse of discretion in the court's decision to deny John's motion to continue. *Daud v. Abdullahi*, 2015 ME 48, ¶ 5, 115 A.3d 77. The record supports the court's conclusion that John failed to show a substantial reason why granting the continuance was necessary to further justice. *Id.* Nor did the court's decision to allow John to participate in the contempt hearing via telephone violate his constitutional right to due process. M.R. Civ. P. 43; *In re G.W.*, 2014 ME 30, ¶ 6, 86 A.3d 1228.

Finally, the court did not abuse its discretion in ordering John to pay a fine compensating Susan for attorney fees incurred in litigating her motion for contempt. *Dostanko v. Dostanko*, 2013 ME 47, ¶ 9, 65 A.3d 1271; *Jandreau v. Lachance*, 2015 ME 66, ¶ 28, 116 A.3d 1273.

The entry is:

Judgment affirmed.

John P. Thurlow, appellant pro se

Alison B. Thompson, Esq., Hanly Law, Portland, for appellee Susan F. Thurlow

Portland District Court docket number FM-2017-950
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