

HERBERT B. KAUFFMAN

v.

DEBRA A. TILLOU

Submitted on Briefs September 29, 2020  
Decided October 29, 2020

Panel: MEAD, GORMAN, JABAR, HUMPHREY, HORTON, and CONNORS, JJ.

#### MEMORANDUM OF DECISION

Debra A. Tillou appeals from a divorce judgment entered by the District Court (Rockland, *Mathews, J.*) dividing marital property and marital debt and awarding spousal support and attorney fees to Herbert B. Kauffman. Although Kauffman did not request spousal support in his original complaint, the trial record clearly indicates that both parties consented to litigating this issue, *see Bernier v. Merrill Air Eng'rs*, 2001 ME 17, ¶ 22, 770 A.2d 97, and the court properly considered the statutory factors and did not abuse its discretion in awarding \$1 per year in spousal support, *see* 19-A M.R.S. § 951-A(2)(A), (5)(B), (E), (I) (2020). Nor did the court err in finding that the home equity line of credit was available to cover house expenses before the sale of the parties' real property, or abuse its discretion in dividing the marital property and debts in light of the pertinent statutory factors and Tillou's failure to overcome the marital property presumption. *See* 19-A M.R.S. § 953(1), (3) (2020); *Cushman v. Cushman*, 495 A.2d 330, 334 (Me. 1985). Finally, the court did not abuse its discretion in holding Tillou in contempt and awarding Kauffman attorney fees

based on Tillou's violation of the preliminary injunction.<sup>1</sup> See M.R. Civ. P. 66(d)(3)(C).

The entry is:

Judgment affirmed.

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Kelley E. Mellenthin, Esq., Lincolnville Center, for appellant Debra A. Tillou

Steven C. Peterson, Esq., West Rockport, for appellee Herbert B. Kauffman

Rockland District Court docket number FM-2018-48  
FOR CLERK REFERENCE ONLY

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<sup>1</sup> We also admonish Tillou's counsel for her misuse of M.R. Civ. P. 52(b) to move for further findings of fact and conclusions of law.

The purpose of motions for findings of additional facts pursuant to M.R. Civ. P. 52(b) is to seek specific fact-findings to support conclusions not already addressed by facts found in the court's opinion. . . . Requests for additional fact-findings pursuant to M.R. Civ. P. 52(b) should not be used to attempt to require the court to explain its reasoning in reaching a particular result or to reargue points that were contested at trial and have been resolved by the court's decision.

*Wandishin v. Wandishin*, 2009 ME 73, ¶¶ 18-19, 976 A.2d 949. Tillou's motion sought facts that were squarely addressed in ten pages of factual findings and conclusions entered by the District Court. Moreover, the motion itself was duplicative; Tillou initially requested sixty-eight findings of fact and then repeated those same requests, almost verbatim, in a second request for fifty-nine more factual findings. As noted, Rule 52(b) should not be used to interrogate judges, seek factual findings and conclusions that are already addressed in the court's judgment, or to reargue points that have been resolved by the court. *Id.*