

BREA A. DEHM

v.

STEVEN M. CABANA

Submitted on Briefs June 16, 2021  
Decided June 24, 2021

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

#### MEMORANDUM OF DECISION

Steven M. Cabana appeals from a judgment in which the District Court (Springvale, *Moskowitz, J.*) found Brea A. Dehm in contempt of the parties' modified divorce judgment but did not impose a sanction, and modified that divorce judgment as to issues related to the parties' child. Contrary to the father's contentions, the court did not err or abuse its discretion in (1) determining that there had been a substantial change in circumstances justifying modification of the divorce judgment, *see Aranovitch v. Versel*, 2015 ME 146, ¶¶ 12-13, 15, 127 A.3d 542; (2) declining to impose a sanction for the mother's contempt given the parties' mutual unwillingness to cooperate in parenting over the years, *see McNutt v. McNutt*, 2018 ME 86, ¶ 11, 188 A.3d 202; (3) limiting cross-examination of the mother about how she would react to a hypothetical court order, *see* M.R. Evid. 401; *Adoption of Isabelle T.*, 2017 ME 220, ¶ 41, 175 A.3d 639; and (4) awarding the mother primary residence based on the court's determination of the child's best interest, *see* 19-A M.R.S. § 1653(2)(D)(1) (2021); *Bulkley v. Bulkley*, 2013 ME 101, ¶ 10, 82 A.3d 116. We affirm the judgment and deny the mother's request for attorney fees as a sanction on appeal because, although the father has not prevailed, we do not

consider his appeal “frivolous, contumacious, or instituted primarily for the purpose of delay.” *See* M.R. App. P. 13(f).

The entry is:

Judgment affirmed. Motion for attorney fees denied.

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Gregory O. McCullough, Esq., Sanford Law Offices, Sanford, for appellant Steven M. Cabana

Aaron Fethke, Esq., Fethke Law Offices, Searsport, for appellee BreaA. Dehm

Springvale District Court docket number FM-2018-448  
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