

MARTINA M. SULLIVAN

v.

SAMUEL KILBOURN

Submitted on Briefs January 20, 2021  
Decided January 28, 2021

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

#### MEMORANDUM OF DECISION

Martina M. Sullivan appeals from a judgment entered by the District Court (West Bath, *Archer, J.*) after a hearing on Sullivan's complaint for protection from harassment against Samuel Kilbourn. The court granted Kilbourn's motion for judgment as a matter of law. *See* M.R. Civ. P. 50(d). Contrary to Sullivan's contentions, the court was not compelled to find that Sullivan met her burden of establishing, by a preponderance of the evidence, that Kilbourn harassed her within the meaning of 5 M.R.S. § 4651(2) (2020), *see Harris Mgmt., Inc. v. Coulombe*, 2016 ME 166, ¶ 13, 151 A.3d 7, and the court did not abuse its discretion in assessing reasonable attorney fees to be paid pursuant to 5 M.R.S. § 4655(1-A) (2020), *see Doe v. McLean*, 2020 ME 40, ¶ 8, 228 A.3d 1080.<sup>1</sup>

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<sup>1</sup> We do not grant Kilbourn's request for an award of his attorney fees on appeal both because he did not file a separate motion for sanctions and because an award would not be merited in any event. *See* M.R. App. P. 13(f); *McGarvey v. McGarvey*, 2019 ME 40, ¶ 6, 204 A.3d 1276.

The entry is:

Judgment affirmed.

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Martina M. Sullivan, appellant pro se

Christopher P. Leddy, Esq., Ainsworth, Thelin & Raftice, P.A., South Portland, for  
appellee Samuel Kilbourn

West Bath District Court docket number PA-2020-71  
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