

WILLIS C. SILVERWOOD

v.

ISABELLE B. TROADEC

Submitted on Briefs October 18, 2023
Decided October 26, 2023

Panel: STANFILL, C.J., and MEAD, JABAR, HORTON, CONNORS, LAWRENCE,
and DOUGLAS, JJ.

MEMORANDUM OF DECISION

Willis C. Silverwood appeals from a judgment of the District Court (Rockland, *Martin, J.*) granting Isabelle B. Troadec's motion to modify a 2019 judgment establishing the parties' parental rights and responsibilities as to their child and denying his motion for contempt. The father's four arguments are unpersuasive. (1) The jurist who heard the case did not commit obvious error in not recusing himself sua sponte because neither presiding over a previous matter nor reaching findings unfavorable to the father in the current matter evidenced judicial bias. *See In re Kaitlyn P.*, 2011 ME 19, ¶¶ 9-10, 12 A.3d 50; *Dalton v. Dalton*, 2014 ME 108, ¶ 25, 99 A.3d 723; *Samsara Mem'l Tr. v. Kelly, Remmel & Zimmerman*, 2014 ME 107, ¶ 30, 102 A.3d 757. (2) Given the court's supported findings that the mother diverged from the dictates of the original judgment only in response to the father's disregard for fundamental provisions of the judgment, the court did not err or abuse its discretion in denying Silverwood's motion for additional findings of fact on his motion for contempt. *See* M.R. Civ. P. 52(b); *Torrey v. Full Gospel Church of Searsport*, 394 A.2d 276, 278 n.1 (Me. 1978); *Dalton*, 2014 ME 108, ¶ 21, 99 A.3d 723. (3) The court did not err or abuse its discretion in finding a substantial change in

circumstances and establishing primary residence with the mother. *See* 19-A M.R.S. §§ 1653(3), 1657(1)(A) (2023); *Kelley v. McKee*, 2019 ME 155, ¶ 7, 218 A.3d 753; *Cloutier v. Lear*, 1997 ME 35, ¶ 4, 691 A.2d 660. (4) The court did not err or abuse its discretion in awarding attorney fees to the mother given the court's findings that the father's conduct increased the cost of litigation and that he had the capacity to absorb the cost of that litigation due to his substantial equity in real estate. *See Fortney & Weygandt, Inc. v. Lewiston DMEP IX, LLC*, 2022 ME 5, ¶¶ 15, 22, 267 A.3d 1094.

The entry is:

Judgment affirmed.

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Willis C. Silverwood

Christopher K. MacLean, Esq., Dirigo Law Group LLP, Camden, for appellee
Isabelle Troadec