

PAT DOE

v.

DAVID HOLINGER

Submitted on Briefs January 25, 2023
Decided February 7, 2023

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

MEMORANDUM OF DECISION

David Holinger appeals from an order for protection from abuse, 19-A M.R.S. § 4007 (2022), entered against him in the District Court (Lewiston, *Oram, A.R.J.*) in response to the complaint filed on behalf of Pat Doe by Doe's mother.¹ Contrary to Holinger's contentions, res judicata does not preclude Doe's protection from abuse action or the issues therein. *Cf. Doe v. Forino*, 2020 ME 135, ¶¶ 9-12, 242 A.3d 1098. Second, because Holinger first raised the parental control justification defense after the conclusion of trial, he did not properly present the issue to the trial court and, therefore, has not properly preserved the issue for our review.² *See Smith ex rel. Kate L. v. Hawthorne*, 2002 ME 149, ¶¶ 21-22, 804 A.2d 1133.

¹ Pursuant to federal law, we do not identify the plaintiff in this protection from abuse action and limit our description of events and locations to avoid revealing "the identity or location of the party protected under [a protection] order" as required by 18 U.S.C.S. § 2265(d)(3) (LEXIS through Pub. L. No. 117-262). *See Doe v. Tierney*, 2018 ME 101, n.1, 189 A.3d 756.

² Even if Holinger had properly preserved the issue for our review, the alleged error would have been harmless because the court made multiple findings of abuse, which are supported by competent

The entry is:

Judgment affirmed.

Amy Dieterich, Esq., Skelton Taintor & Abbott, Lewiston, for appellant David Holinger

Edward Rabasco, Jr., Esq., and Katherine Randall, Esq., Lewiston, for appellee Pat Doe

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evidence in the record. *See Bergin v. Bergin*, 2019 ME 133, ¶ 12, 214 A.3d 1071; *Banks v. Leary*, 2019 ME 89, ¶ 19, 209 A.3d 109; M.R. Civ. P. 61.