

PATIENCE P. SUNDARESAN

v.

TOWN OF OGUNQUIT

Submitted on Briefs June 26, 2024
Decided July 11, 2024

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

MEMORANDUM OF DECISION

Patience Sundaresan appeals from a judgment of the Superior Court (York County, *Mulhern, J.*), affirming two of the Town of Ogunquit's decisions made in response to Sundaresan's Maine Freedom of Access Act requests. On appeal, Sundaresan first contends that the Superior Court abused its discretion by improperly limiting the evidence in the case to the record and briefs with affidavits. Sundaresan further contends that the Superior Court erred by finding that notice given by the Town for a Select Board meeting was sufficient under the FOAA. Finally, Sundaresan argues that factual findings made by the Superior Court were clearly erroneous and that the court erred by determining that the Town's responses to Sundaresan's FOAA requests complied with the FOAA.

The Superior Court did not exceed its broad authority or otherwise abuse its discretion by specifying the evidence that it would consider in Sundaresan's FOAA appeal. *See* 1 M.R.S. § 409 (2024); *Dubois v. Office of Att'y Gen.*, 2018 ME 67, ¶ 13, 185 A.3d 734. We further conclude that the Town's notice of the hearing, which Sundaresan, her attorney, and members of the public attended, was sufficient. *See* 1 M.R.S. § 406 (2024); *Crispin v. Town of*

Scarborough, 1999 ME 112, ¶¶ 24-27, 736 A.2d 241. Finally, as to Sundaresan's third contention, we conclude that the Superior Court did not err in finding that the Town's responses to Sundaresan's requests were adequate. *See* 1 M.R.S. § 408-A (2024); *Fairfield v. Me. State Police*, 2023 ME 12, ¶ 9, 288 A.3d 1220.

The entry is:

Judgment affirmed.

David A. Lourie, Esq., Cape Elizabeth, for appellant Patience P. Sundaresan

Daniel J. Murphy, Esq., Bernstein, Shur, Sawyer & Nelson, P.A., Portland, for appellee Town of Ogunquit

York County Superior Court docket number AP-2021-19
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