

GARRETT E. ALLEY

v.

RACHEL W. SEITZ

Submitted on Briefs June 23, 2025
Decided July 8, 2025

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

MEMORANDUM OF DECISION

Rachel W. Seitz appeals from a judgment of the District Court (Rockland, *Gorham, J.*) finding her in contempt of the court's (*Martin, M.*) order awarding Seitz and Garrett E. Alley shared parental rights and responsibilities regarding their child. Contrary to Seitz's contention, the court (*Gorham, J.*) did not clearly err or abuse its discretion in finding that Seitz had the ability to comply with the court's orders.¹ See M.R. Civ. P. 66(d)(2)(D); *McCarthy v. Goroshin*, 2016 ME 98, ¶¶ 11-12, 143 A.3d 138; *In re Guardianship of Smith*, 2011 ME 51, ¶ 7, 17 A.3d 136.

¹ Although Alley challenges the court's decision to modify the parental rights and responsibilities order as part of the contempt judgment, we do not address the issue for two reasons. First, Alley did not file a cross-appeal and therefore cannot seek a change in the contempt judgment. M.R. App. P. 2C(a)(1). Second, although the court had authority to modify the parental rights and responsibilities order as part of its remedial contempt sanction against Seitz, we do not construe the contempt judgment as addressing Alley's separate motion to modify the underlying parental rights and responsibilities order. See M.R. Civ. P. 66(d)(3), 120(a)-(b); 19-A M.R.S. § 1653(7)(A)-(B) (2025); *Hogan v. Veno*, 2006 ME 132, ¶ 20, 909 A.2d 638; see also *Jackson v. MacLeod*, 2014 ME 110, ¶¶ 8, 20, 100 A.3d 484.

The entry is:

Judgment affirmed.

Michelle R. King, Esq., Thistle Weaver & Morris, Portland, for appellant Rachel W. Seitz

Catherine J. Gamache, Esq., Dirigo Law Group LLP, Camden, for appellee Garrett E. Alley

Rockland District Court docket number FM-2020-169
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