

DAVID W. CAMPBELL

v.

JENNIFER J. CARTER

Submitted on Briefs September 2, 2003
Decided September 10, 2003

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER,
and CALKINS, JJ.

MEMORANDUM OF DECISION

David W. Campbell appeals from an order entered in the District Court (Portland, *Bradley, J.*) enforcing his court-ordered child support obligation of \$85 per week. Because Campbell has not provided us with a transcript of the proceedings before the trial court or a statement of the evidence pursuant to M.R. App. P. 5(d), we must assume that there was sufficient evidence to support the court's factual findings. *See Putnam v. Albee*, 1999 ME 44, ¶ 10, 726 A.2d 217, 220.

Assuming, as Campbell contends, that the equitable defenses of estoppel, laches, and waiver could defeat an action for child support arrearages, the court did not err in concluding that the evidence in this case failed to establish (1) estoppel, *see Ashley v. State*, 642 A.2d 176, 176 (Me. 1994) (holding that Ashely’s “estoppel defense could not prevail . . . because his reliance on a private agreement . . . to ignore the court order to pay child support was neither reasonable nor justifiable”); (2) laches, *see Dep’t of Human Servs. v. Bell*, 1998 ME 123, ¶ 7, 711 A.2d 1292, 1295 (holding that laches did not bar the Department’s child support enforcement action when the Department established a reasonable explanation for delay in commencing the action); or (3) waiver, *see id.* ¶ 6 (holding that the Department had not waived its right to bring an enforcement action when its overall course of conduct did not consistently establish the voluntary and knowing relinquishment of a right).

The entry is:

Judgment affirmed.

For plaintiff:

David W. Campbell
171 Poland Spring Road
Casco, ME 04015

Attorney for defendant:

L. John Topchik, Esq.
Martemucci & Topchik, LLC
P O Box 17767
Portland, ME 04112-7767

