

MARC McKELLAR

v.

SUE MELANSON

Submitted on Briefs February 26, 2003
Decided March 10, 2003

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

MEMORANDUM OF DECISION

Marc McKellar appeals from a judgment entered in the District Court (West Bath, *Field, J.*) modifying his divorce judgment and finding him in contempt. Contrary to his contentions, the court did not deny him due process by hearing the contempt motion at the same time it heard other pending motions because all motions involved common factual issues, *see* M.R. Civ. P. 42(a), and he had received adequate notice, *see* M.R. Civ. P. 66(d)(2)(B), (C); there was more than sufficient evidence for the finding of contempt; and if there was any error by the court in excluding the guardian ad litem's report from evidence, *see* 19-A M.R.S.A. § 1507(5) (Supp. 2002), it was harmless in that McKellar was not

prejudiced by the exclusion. Sue Melanson's cross-appeal from the failure of the court to award her attorney fees is dismissed because she has not submitted an application for fees and the court has not denied her fees. *See* M.R. Civ. P. 54(b)(3).

The entry is:

Judgment affirmed. Cross-appeal is dismissed.

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