

PHYLLIS FREESE

v.

SHARON ROBINSON et al.

Submitted on Briefs June 24, 2004  
Decided July 23, 2004

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

MEMORANDUM OF DECISION

Phyllis Freese appeals from a judgment entered after a jury trial in the Superior Court (Penobscot County, *Hjelm, J.*) in favor of defendants Sharon and John Robinson on Freese's complaint alleging discrimination in violation of the Maine Human Rights Act, 5 M.R.S.A. §§ 4551-4634 (2002). Contrary to Freese's contentions, the Superior Court did not commit clear error or exceed the scope of its discretion by admitting evidence concerning Freese's smoking habit, *see State v. Bridges*, 2003 ME 103, ¶ 39, 829 A.2d 247, 258; or exceed the scope of its discretion in imposing costs on Freese, *see* 14 M.R.S.A. § 1502-D (Supp. 2003).

Because the parties agree that the Superior Court exceeded its authority insofar as it calculated the costs at \$990.20 when the correct calculation of costs is \$540.20, we remand the issue of costs to the Superior Court for reconsideration. The court may redetermine the amount of imposed costs without further hearing on the matter. *Id.*; see *Mack v. Acadia Ins. Co.*, 1998 ME 91, ¶ 9, 709 A.2d 1187, 1189.

The entry is:

Judgment affirmed. Award of costs vacated and remanded for redetermination.

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