

BARBARA WARNER

v.

BARRY WARNER

Submitted on Briefs July 9, 2004
Decided July 27, 2004

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

MEMORANDUM OF DECISION

Barry Warner appeals from a divorce judgment entered in the Superior Court (Lincoln County, *Mills, C.J.*) after a rehearing on remand from this Court. Contrary to Barry's contentions, the trial court's denial of his motions to continue or reopen the hearing in order to determine the value of Barbara's inheritance was a sustainable exercise of discretion, *see Dolliver v. Dolliver*, 2001 ME 144, ¶ 10 & n.1, 782 A.2d 316, 317-18; the trial court did not commit clear error by relying on his previous testimony to establish the rate of return on his investments, *see Peters v. Peters*, 1997 ME 134, ¶ 14, 697 A.2d 1254, 1258-59; the award of attorney fees

was within the trial court's discretion, *see Miele v. Miele*, 2003 ME 113, ¶¶ 14-15, 832 A.2d 760, 764; and the record does not support Barry's assertion of bias against him on the part of the trial court, *see Warner v. Warner*, 2002 ME 156, ¶ 12, 807 A.2d 607, 613.

The entry is:

Judgment affirmed.

Attorney for plaintiff:

Gene R. Libby, Esq.
Verrill & Dana, LLP
P O Box 147
Kennebunk, ME 04043-0147

Attorney for defendant:

Jonathan C. Hull, Esq.
P O Box 880
Damariscotta, ME 04543-0880