

SCOTT A. LIBERTY

v.

JEFFREY BENNETT

Submitted on Briefs June 2, 2005

Decided August 15, 2005

Panel: CLIFFORD, ALEXANDER, CALKINS, and LEVY, JJ.\*

#### MEMORANDUM OF DECISION

Scott A. Liberty appeals from a judgment entered in the District Court (Portland, *Eggert, J.*) in favor of Jeffrey Bennett on Liberty's complaint for protection from harassment brought pursuant to 5 M.R.S.A. § 4655 (2002 & Supp. 2004). Contrary to Liberty's contentions, (1) no error can be ascribed to the court's refusal to permit Liberty to question Bennett and Liberty's ex-wife about the nature of their relationship because Liberty's offer of proof was inadequate, *see* M.R. Evid. 103(a); *Pratt v. Freese's Inc.*, 438 A.2d 901, 905 (Me. 1981) (noting

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\* Justice Paul L. Rudman participated in the initial conference, but retired before this opinion was certified.

that offers of proof based merely on a hope of eliciting unknown testimony are insufficient); (2) the court did not exceed the bounds of its discretion in refusing Liberty's request to depose Bennett with two days' notice, *see Selby v. Cumberland County*, 2002 ME 80, ¶ 12 n.11, 796 A.2d 678, 682 (noting that a trial court's discovery orders are reviewed for unsustainable exercises of discretion); and (3) the court neither relied on evidence not in the record nor demonstrated any bias in rendering its decision.

The entry is:

Judgment affirmed.

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