

DARLENE COPP

v.

SCOTT A. LIBERTY

Argued September 14, 2005
Decided October 17, 2005

Panel: CLIFFORD, DANA, ALEXANDER, CALKINS and LEVY, JJ.

MEMORANDUM OF DECISION

Scott A. Liberty appeals and Darlene Copp cross-appeals from the judgment of the Superior Court (Cumberland County, *Cole, J.*) denying post-judgment motions to modify the parties' divorce judgment, awarding attorney fees, and refusing to reinstate a prior tort action that had been dismissed as part of the settlement of the parties' divorce. Contrary to Liberty's contentions, the Superior Court did not err in (1) finding that Liberty had consented to the orders resolving the parties' divorce, *see Knight v. Knight*, 680 A.2d 1035, 1037 (Me. 1996); (2) declining to modify the child support and visitation provisions of the divorce

judgment, *see id.*, or to consider the appointment of a guardian ad litem for the children, *see Cyr v. Cyr*, 432 A.2d 793, 798 (Me. 1981); (3) finding contempt and imposing a remedial contempt sanction, M.R. Civ. P. 66(d)(3)(A); (4) declining to recuse, *see In re Kaleb C.*, 2002 ME 65, ¶¶ 5-6, 795 A.2d 71, 74; (5) limiting the parties' filings in this case without prior court approval, *see Spickler v. Key Bank of S. Maine*, 618 A.2d 204, 207 (Me. 1992); and (6) awarding Copp a portion of her requested attorney fees, *see Urquhart v. Urquhart*, 2004 ME 103, ¶ 6, 854 A.2d 193, 195.

Contrary to Copp's contentions, the court did not err in (1) limiting, to twenty hours, her time for presentation during the hearing on the post-judgment motions, *see Dolliver v. Dolliver*, 2001 ME 144, ¶¶ 10-12, 782 A.2d 316, 317-18; (2) dismissing her motion to vacate the prior dismissal of the spousal tort action that had occurred as part of the settlement of the divorce, *see Tarbuck v. Jaeckel*, 2000 ME 105, ¶ 13, 752 A.2d 176, 179-80; and (3) awarding her considerably less attorney fees than she had requested, *see Urquhart*, 2004 ME 103, ¶ 6, 854 A.2d at 195; *see also First State Ins. Group v. Nationwide Mut. Ins. Co.*, 402 F.3d 43, 44 (1st Cir. 2005) (holding that the trial court did not abuse its discretion in denying award of attorney fees where the request was excessive).

The entry is:

Judgment affirmed.

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