

ROSE CARBONE

v.

SCHIAVI HOMES, LLC

Submitted on Briefs June 28, 2006
Decided June 30, 2006

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

MEMORANDUM OF DECISION

Rose Carbone appeals from a judgment of the Superior Court (York County, *Brennan, J.*) finding, after a nonjury trial, that Schiavi Homes, LLC, was not liable for negligence resulting in her personal injury. Contrary to Carbone's contentions, (1) the court did not commit obvious error in analyzing her personal injury claim as a negligence claim, *see Bonin v. Crepeau*, 2005 ME 59, ¶¶ 5, 9, 873 A.2d 346, 347, 348; *Thermos Co. v. Spence*, 1999 ME 129, ¶ 11 n.4, 735 A.2d 484, 487; *Rich v. Fuller*, 666 A.2d 71, 76 (Me. 1995); (2) the court's admission of Rose Carbone's statements to hospital staff did not amount to obvious error, *see* M.R. Evid. 601; *Newbury v. Virgin*, 2002 ME 119, ¶ 14, 802 A.2d 413, 416-17; and (3) the court's

finding that she failed to establish her claim by a preponderance of the evidence was not clearly erroneous, *see Dionne v. LeClerc*, 2006 ME 34, ¶ 15, 896 A.2d 923, 929.

The entry is:

Judgment affirmed.

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