

MICHAEL HEADD

v.

BRYDEN ALAN GARDNER

Submitted On Briefs November 27, 2007

Decided January 17, 2008

Panel: SAUFLEY, C.J., and CLIFFORD, ALEXANDER, LEVY, and GORMAN, JJ.

MEMORANDUM OF DECISION

Bryden Alan Gardner d/b/a B.A. Gardner Paving and Excavation appeals from a judgment entered in the Superior Court (Penobscot County, *Mead, J.*) following a jury-waived trial on a complaint for breach of contract filed by Michael Headd. Contrary to Gardner's contentions, based on the evidence in the record and in the absence of a request for further findings of fact or conclusions of law, there is no discernible error in the court's calculation of compensatory damages, nor any abuse of the court's discretion in its decision not to award punitive damages to Gardner on his counterclaim for conversion. *See Fitzpatrick v. Fitzpatrick*, 2006 ME 140, ¶ 17, 910 A.2d 396, 401; *Shrader-Miller v. Miller*,

2004 ME 117, ¶ 22, 855 A.2d 1139, 1145; *Lee v. Scotia Prince Cruises Ltd.*, 2003 ME 78, ¶ 21, 828 A.2d 210, 215.

The entry is:

Judgment affirmed.

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