

JENNIFER A. PROVENCHER

v.

SCOTT G. PROVENCHER

Submitted on Briefs November 4, 2008

Decided November 18, 2008

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

MEMORANDUM OF DECISION

Scott G. Provencher appeals from an order entered in the District Court (Lewiston, *Cote, J.*) granting Jennifer A. Provencher's motion for attorney fees incurred in connection with Scott's appeal of the court's denial of his motion for relief from the parties' original divorce judgment. Contrary to Scott's contention, the court did not abuse its discretion in awarding Jennifer attorney fees incurred in connection with the appeal. 19-A M.R.S. § 105(1), (2) (2007); M.R. Civ. P. 54(b)(3); *Smith v. Padolko*, 2008 ME 56, ¶ 17, 955 A.2d 740, 745; *Cheoros v. Cheoros*, 1997 ME 37, ¶¶ 3, 4, 690 A.2d 974, 975-76. More particularly, the court did not err, nor did it act beyond its discretion in awarding attorney fees to Jennifer even though Scott's appeal was not frivolous. *See Prue v. Prue*, 420 A.2d 257, 260 (Me. 1980).

We deny Jennifer's request to impose sanctions against Scott pursuant to M.R. App. P. 13(f) in this appeal.

The entry is:

Judgment affirmed.

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