

FRANCINE D'ANDREA ALVES

v.

MICHAEL D'ANDREA

Submitted on Briefs November 4, 2008

Decided November 25, 2008

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

MEMORANDUM OF DECISION

Michael D'Andrea appeals from a judgment entered in the District Court (Portland, *Driscoll, M.*) ordering him to pay attorney fees associated with Francine D'Andrea Alves's motion for relief from judgment. Michael argues that the court abused its discretion in awarding Francine attorney fees. Contrary to Michael's arguments, the record contained sufficient evidence of the parties' relative capacity to absorb the costs of litigation, and that Michael's nonresponsive actions contributed to the need for and cost of the present litigation. *See Urquhart v. Urquhart*, 2004 ME 103, ¶ 6, 854 A.2d 193, 195; *Wooldridge v. Wooldridge*, 2002 ME 34, ¶ 8, 791 A.2d 107, 109-10. The court therefore did not abuse its discretion in awarding attorney fees to Francine. *Miele v. Miele*, 2003 ME 113, ¶ 14, 832 A.2d 760, 764. We remand for an award of attorney fees and costs on appeal to Francine. *See* M.R. App. P. 13(f).

The entry is:

Judgment affirmed. Remanded for determination
of attorney fees and costs on appeal.

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