

ALICE CONWAY

v.

RICHARD CONWAY

Submitted on Briefs April 30, 2008

Decided May 15, 2008

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

MEMORANDUM OF DECISION

Alice Conway appeals from a judgment entered in the Superior Court (Androscoggin County, *Gorman, J.*) after a jury found Richard Conway not negligent. Contrary to Alice Conway's contentions, the court did not err in (1) denying her motion in limine to exclude evidence of her statement regarding a broken tie rod, *see* M.R. Evid. 401, 402, 801(d)(2); (2) denying her motion for a new trial, *see Provencher v. Faucher*, 2006 ME 59, ¶ 6, 898 A.2d 404, 406-07; (3) excluding Richard Conway's alleged admission of fault, *see* M.R. Evid. 701, 702; *see also State v. Ryder*, 348 A.2d 1, 4 (Me. 1975); or (4) instructing the jury regarding the purpose and meaning of 29-A M.R.S. § 1304 (2007). We need not address Alice Conway's contentions regarding the denial of her motion in limine to exclude evidence that portions of her medical expenses were written off, because the jury did not reach the issue of Alice Conway's negligence or damages. *See Campaign for Sensible Transp. v. Maine Tpk. Auth.*, 658 A.2d 213, 215 (Me. 1995).

The entry is:

Judgment affirmed.

**Attorney for Alice Conway:**

Jennifer Nichols Ferguson, Esq.  
Fales & Fales, P.A.  
192 Lisbon Street  
PO Box 889  
Lewiston, Maine 04243-0889

**Attorney for Richard Conway:**

James B. Main, Esq.  
Hoy & Main, P.A.  
76 Depot Road  
PO Box 1569  
Gray, Maine 04039

**Attorney for amicus curiae  
Maine Trial Lawyers Association:**

Richard L. O'Meara, Esq.  
Thomas L. Douglas, Esq.  
Murray, Plumb & Murray  
75 Pearl Street  
PO Box 9785  
Portland, Maine 04104-5085