

LESLIE BETTINGER

v.

STEVEN C. BONAWITZ

Submitted on Briefs June 4, 2009

Decided June 23, 2009

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

MEMORANDUM OF DECISION

Leslie Bettinger appeals from an order of the Superior Court (Cumberland County, *Warren, J.*) denying her motion to substitute an expert and dismissing her medical malpractice claim against Steven C. Bonawitz. Bettinger filed her notice of claim roughly five years ago in July 2004; brought her complaint in 2006; missed the initially established August 2006 deadline for designating her expert; designated an expert in early 2007, but had to obtain a continuance later that year because the expert would not be able to testify; received two additional extensions thereafter while she sought a new expert; designated a new expert in March 2008, more than two months after the final January 15, 2008, deadline established by the court; and finally moved for leave to substitute yet another expert in October 2008. Given this case history, the court did not abuse its discretion by denying Bettinger's October 2008 request for leave to designate a substitute expert and dismissing her complaint because she could not establish her medical malpractice claim without expert testimony. *See* M.R. Civ. P. 6(b), 16(d); *Michaud v. Blue Hill Mem'l Hosp.*, 2008 ME 29, ¶ 5, 942 A.2d 686, 688; *Mitchell v. Kieliszek*, 2006 ME 70, ¶ 19, 900 A.2d 719, 724.

The entry is:

Judgment affirmed.

Attorneys for Leslie Bettinger:

Bruce W. Helper, Esq.
75 Pearl Street
Portland, Maine 04101

Mark L. Randall, Esq.
482 Congress Street
P.O. Box 17915
Portland, Maine 04101

Attorneys for Steven Bonawitz:

Mark G. Lavoie, Esq.
Christopher C. Taintor, Esq.
Norman, Hanson & DeTroy
415 Congress Street
P.O. Box 4600
Portland, Maine 04112