

RICHARD R. ERICSON

v.

BARBARA R. ERICSON

Submitted on Briefs January 22, 2009

Decided January 29, 2009

Panel: CLIFFORD, ALEXANDER, LEVY, SILVER, and GORMAN, JJ.

MEMORANDUM OF DECISION

Richard R. Ericson appeals from a judgment entered in the District Court (Ellsworth, *Romei, J.*) holding him in contempt of a modified divorce judgment and ordering him to pay Barbara R. Ericson the sum of \$21,958 and to purchase a deferred conditional annuity to provide for the possibility that he may predecease her. The contempt order results from Richard's receipt of full benefits from the Maine State Retirement System (MSRS) following his retirement, half of which should have been received by Barbara. Richard argues that a number of the District Court's findings are not supported by the evidence, and that the court erred in finding that he knowingly and willfully disobeyed the modified divorce judgment.

Contrary to Richard's contentions, the court did not abuse its discretion in granting the civil contempt order, nor did it commit clear error in determining the underlying facts. *See Pratt v. Spaulding*, 2003 ME 56, ¶ 10, 822 A.2d 1183, 1186. There was competent evidence in the record for the court to make the following findings: that Richard made affirmative statements to the MSRS contrary to the modified divorce judgment; that he had at least a joint responsibility (with Barbara) to notify the MSRS of the modified divorce judgment and/or a responsibility to notify Barbara of his retirement; that he attempted to conceal his

retirement from Barbara; that he received a larger benefit than that to which he was entitled; and that he knowingly and willfully disobeyed the modified divorce judgment. *See Zink v. Zink*, 687 A.2d 229, 232 (Me. 1996).

The entry is:

Judgment affirmed.

Attorney for Richard R. Ericson:

Armanda Beal Day, Esq.
39 Main Street, 2nd Floor
PO Box 976
Bangor, Maine 04402-0976

Attorney for Barbara R. Ericson:

Rosemarie Giosia, Esq.
49 Church Street
Ellsworth, Maine 04605