

LORRAINE C. TABB

v.

MICHAEL J. WARREN

Submitted on Briefs September 23, 2010  
Decided October 19, 2010

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

MEMORANDUM OF DECISION

Michael J. Warren appeals from a judgment entered in the District Court (Springvale, *Clifford, J.*) in favor of Lorraine C. Tabb, his former wife, denying his motion to modify the qualified domestic relations order (QDRO) provision of the parties' divorce judgment. Warren challenges the effectuation of the QDRO formula, which used a proportional share of his eventual retirement benefits to determine Tabb's portion. Contrary to Warren's contentions, (1) the court properly treated the motion to modify the judgment as one for relief from judgment pursuant to M.R. Civ. P. 60(b)(6), *see Wardwell v. Wardwell*, 458 A.2d 750, 752-53 (Me. 1983), and did not abuse its discretion in denying that motion because Warren proposed the formula for the QDRO and the court entered a judgment that incorporated that provision, *see Salenius v. Salenius*, 654 A.2d 426, 428 (Me. 1995); (2) the court did not err in concluding that the original judgment should be enforced as written, *see Greenwood v. Greenwood*, 2000 ME 37, ¶ 9, 746 A.2d 358, 360-61; and (3) the court did not abuse its discretion in awarding attorney fees to Tabb based on its findings that Warren initiated the litigation that generated her attorney fees, *see Wandishin v. Wandishin*, 2009 ME 73, ¶ 16, 976 A.2d 949, 954; *Largay v. Largay*, 2000 ME 108, ¶¶ 16, 17, 752 A.2d 194, 198-99.

The entry is:

Judgment affirmed.

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Springvale District Court docket number FM-1997-371  
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