

MERRILL A. EFSTATHIOU

v.

DENNIS A. EFSTATHIOU

Submitted on Briefs May 27, 2010

Decided June 3, 2010

Panel: ALEXANDER, LEVY, MEAD, GORMAN, and JABAR, JJ.

#### MEMORANDUM OF DECISION

Dennis A. Efstathiou appeals from a judgment of the District Court (York, *Cantara, J.*) finding him in contempt for failing to pay Merrill A. Efstathiou \$408,500 as required by their amended divorce judgment. The contempt finding followed our remand in *Efstathiou v. Efstathiou*, 2009 ME 107, 982 A.2d 339. Contrary to Dennis's contention, on this record the court did not err in finding by clear and convincing evidence that he failed to comply with the divorce judgment to the fullest extent possible considering his present ability to do so. *See Efstathiou*, 2009 ME 107, ¶¶ 11, 13, 982 A.2d at 342, 343-44. Furthermore, the court did not abuse its discretion in ordering Dennis to pay post-judgment interest, attorney fees, and costs as remedial sanctions for his contempt. M.R. Civ. P. 66(d)(3)(B), (C); *see Hogan v. Veno*, 2006 ME 132, ¶ 18, 909 A.2d 638, 646 (stating that remedial contempt remedies reviewed for abuse of discretion).

We note, however, that the contempt judgment does not specify the post-judgment interest rate as required by 14 M.R.S. § 1602-C(1) (2009). For that reason we amend the judgment to specify a rate of 9.42%, which is the applicable rate required by 14 M.R.S. § 1602-C(1)(B).

The entry is:

Judgment amended to specify a post-judgment interest rate of 9.42%. As amended, judgment affirmed.

---

**Attorneys for Dennis Andrews Efstathiou:**

Ronald P. Lebel, Esq.  
Kelly L. Turner, Esq.  
Skelton, Taintor & Abbott  
95 Main Street  
PO Box 3200  
Auburn, Maine 04212-3200

**Attorney for Merrill Andrews Efstathiou:**

Michael J. Donlan, Esq.  
Verrill Dana, LLP  
One Portland Square  
PO Box 586  
Portland, Maine 04112