

KAREN B. CAOLA

v.

ROBERT L. CAOLA

Submitted on Briefs May 27, 2010

Decided June 8, 2010

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

#### MEMORANDUM OF DECISION

Robert L. Caola appeals from a divorce judgment entered in the District Court (Dover-Foxcroft, *Stitham, J.*). He contends that the court abused its discretion by: (1) denying his motion to continue the date set for trial pursuant to M.R. Civ. P. 40(c); (2) dividing the parties' marital property and awarding spousal support to Karen B. Caola without sufficient evidence to consider the relevant statutory factors; and (3) declining, in response to his motion, to make further findings of fact or to permit reopening the record to take additional testimony.

Contrary to Robert's assertions, the court did not abuse its discretion by denying his motion to continue and proceeding with the divorce hearing, despite Robert's failure to appear on the scheduled date. *See* M.R. Civ. P. 40(c); *Conrad v. Swan*, 2008 ME 2, ¶ 9, 940 A.2d 1070, 1074; *Provenzano v. Delogue*, 2000 ME 149, ¶ 11, 755 A.2d 549, 551.

Furthermore, a review of the record as a whole reveals that the court gave sufficient consideration to the statutory factors set forth in 19-A M.R.S. § 953(1)(A)-(C) (2009) in its division of marital property and in 19-A M.R.S. § 951-A(5)(A)-(Q) (2009) in its award of spousal support. *See Catlett v. Catlett*,

2009 ME 49, ¶ 34, 970 A.2d 287, 293; *Carter v. Carter*, 2006 ME 68, ¶ 20, 900 A.2d 200, 204-05.

Finally, because the court's findings are sufficient to inform the parties of the reasoning underlying its conclusions and are supported, though briefly, in the record of the proceeding, which was presented on an essentially uncontested basis, the court did not err when it denied Robert's motion for further findings of fact or for a new trial. *See* M.R. Civ. P. 52(b), 59(a); *Miele v. Miele*, 2003 ME 113, ¶ 11, 832 A.2d 760, 763-64 (once the court has found the facts, it is not required to explain the rationale used to support each finding); *Kruy v. Kruy*, 2002 ME 14, ¶ 6, 789 A.2d 99, 101 (when a party does not present evidence relevant to his or her action, the party "may not fault the court for not considering it").

The entry is:

Judgment affirmed.

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