

BRUCE C. WIDZGOWSKI

v.

RENE L. HEBERT

Submitted on Briefs October 27, 2011
Decided November 1, 2011

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

MEMORANDUM OF DECISION

Rene L. Hebert appeals from the entry of a judgment in the Superior Court (Knox County, *Hjelm, J.*), following a bench trial. Hebert fails to demonstrate that the court committed any error, let alone clear error, when it found that the two corporations he owned with Bruce C. Widzgowski—Raven Holdings Limited (Raven) and Scenic Helicopters of Maine, Inc. (Scenic)—were separate corporations, and he fails to demonstrate that the court abused its discretion when it determined that the proceeds from the sale of Raven’s helicopter could not be used to pay for the liabilities of Scenic. *See Advanced Constr. Corp. v. Pilecki*, 2006 ME 84, ¶ 10, 901 A.2d 189 (noting standard of review); *Johnson v. Exclusive Props. Unlimited*, 1998 ME 244, ¶ 5, 720 A.2d 568 (noting that “courts are generally reluctant to disregard the legal entity and will cautiously do so only when necessary to promote justice”) (quotation marks omitted).

The court also did not err or abuse its discretion when it concluded that Hebert was not entitled to equitable relief. *See Dep’t of Health and Human Servs. v. Pelletier*, 2009 ME 11, ¶ 15, 964 A.2d 630 (noting standard of review applicable to another equitable defense); *Dudley v. Wyler*, 647 A.2d 90, 92 (Me. 1994) (noting that the “clean hands doctrine may not be employed if [the] party seeking its application has unclean hands”) (citation omitted). Finally, the court did not err in finding by clear and convincing evidence that Hebert acted with implied malice

by taking repeated and deliberate steps to deprive Widzgowski of his share of the corporate proceeds, and the court did not abuse its discretion in imposing punitive damages. *See Estate of Hoch v. Stifel*, 2011 ME 24, ¶¶ 53-54, 16 A.3d 137.

The entry is:

Judgment affirmed.

On the briefs:

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Patrick J. Mellor, Esq., Strout & Payson, Rockland, for appellee Bruce Widzgowski