

DANIELLE A. ELIE

v.

MICHAEL R. ELIE

Submitted on Briefs October 19, 2022
Decided October 27, 2022

Panel: STANFILL, C.J., and MEAD, JABAR, CONNORS, and LAWRENCE, JJ.

MEMORANDUM OF DECISION

Michael R. Elie appeals from a judgment of the District Court (Portland, *French, C.J.*) finding him to be in contempt of the parties' amended divorce judgment. Contrary to Michael's contention, on this record the court did not clearly err in finding by clear and convincing evidence that he failed to meet the support obligations required by the divorce judgment and that he had the present ability to comply with those obligations; consequently, the court did not abuse its discretion in granting Danielle A. Elie's motion to hold Michael in contempt of the judgment.¹ *See Silverwolf v. Colton*, 2020 ME 94, ¶ 8, 237 A.3d 162. Although we decline Danielle's request for sanctions pursuant to M.R. App. P. 13(f), we remand for the trial court's consideration of whether to award Danielle attorney fees and costs incurred on appeal. *See* 19-A M.R.S.

¹ Michael makes other contentions, including that the court applied an incorrect legal test, that we do not find meritorious and do not discuss further.

§ 105(1) (2022); *Schafer v. Schafer*, 2019 ME 101, ¶ 9, 210 A.3d 842; *Tuell v. Nicholson*, 2014 ME 118, ¶ 13, 103 A.3d 207.

The entry is:

Judgment affirmed. Remanded to the District Court for consideration of whether to award Danielle Elie attorney fees and costs incurred on appeal.

Dori F. Chadbourne, Esq., Chadbourne Law Offices, P.A., Cumberland, for appellant Michael R. Elie

Michael A. Feldman, Esq., Law Offices of Michael Feldman, Brunswick, for appellee Danielle A. Elie

Portland District Court docket number FM-2014-906
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