

DEVAN (SKATTUM) COLLOMY

v.

BRIAN D. SKATTUM

Submitted on Briefs November 17, 2022
Decided December 15, 2022

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

MEMORANDUM OF DECISION

Brian D. Skattum appeals from a divorce judgment entered by the District Court (Biddeford, *Tice, J.*) granting Devan (Skattum) Collomy's complaint for divorce and awarding her sole parental rights and responsibilities and primary residence of the parties' two minor children. Contrary to Skattum's arguments,¹ the court did not deprive him of due process. *See Jusseaume v. Ducatt*, 2011 ME 43, ¶ 12, 15 A.3d 714.

Further, even considering the discretionary decisions that Skattum alleges were erroneous and led to a deprivation of his due process rights, we conclude that there was no abuse of discretion by the court's (*Tice, J.*) denial of

¹ Because Skattum failed to file an appendix that complied with M.R. App. P. 8, we struck his appendix, ordered that the appeal would proceed without an appendix, struck the portion of his brief containing "challenges to the trial court's findings and discretionary rulings," and limited his appeal to the legal issues raised in his brief. Further, because Skattum failed to timely file the fee associated with the transcript for the evidentiary hearing, we do not consider the transcript with his appeal. *See* M.R. App. P. 5(b)(2)(B)(i); *see also Greateon v. Greateon*, 2012 ME 17, ¶ 2, 36 A.3d 913. Despite these limitations in the appellate record, we reject Collomy's argument that the record is insufficient for our review. *Cf. Greateon*, 2012 ME 17, ¶¶ 1, 5-6, 36 A.3d 913.

Skattum's motion to stay the proceedings pending the resolution of his criminal case, *see Cutler Assocs., Inc. v. Merrill Tr. Co.*, 395 A.2d 453, 456-57 (Me. 1978); *Soc'y of Lloyd's v. Baker*, 673 A.2d 1336, 1337, 1340-41 (Me. 1996), or by the court's (*Cadwallader, M.*) decision to fine Skattum as a sanction for his failure to respond to Collomy's discovery requests, *see In re A.M.*, 2012 ME 118, ¶ 14, 55 A.3d 463; M.R. Civ. P. 37(b)(2); *State v. Norwood*, 2014 ME 97, ¶¶ 6-11, 97 A.3d 613. Finally, we also conclude that the court (*Tice, J.*) did not err in drawing an adverse inference from Skattum's invocation of his Fifth Amendment right to remain silent. *See* M.R. Evid. 513(b).²

The entry is:

Judgment affirmed.

Brian D. Skattum, appellant pro se

Jeanette M. Durham, Esq., Maine Family Law LLC, Kennebunk, for appellee
Devan Collomy

Biddeford District Court docket number FM-2020-18
FOR CLERKS REFERENCE ONLY

² We reject Collomy's contention that Skattum failed to preserve the above arguments, and we find Skattum's remaining arguments without merit and do not address them. As well, to the extent that Collomy is requesting attorney fees associated with this appeal, we deny her request.