

KELLI M. CUMMINGS

v.

NICHOLAS B. DAUNAIS

Submitted on Briefs on December 21, 2021  
Decided January 4, 2022

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

#### MEMORANDUM OF DECISION

Nicholas B. Daunais appeals from a judgment entered in the District Court (Springvale, *D. Driscoll, J.*) partially denying his motion to modify the 2019 judgment granting Kelli M. Cummings a divorce from him. Specifically, Daunais contends that the court erred and abused its discretion in denying his request to be awarded sole parental rights and responsibilities and primary residence of the parties' child. Contrary to Daunais's arguments on appeal, the court displayed patience and tact throughout the hearing and its findings are fully supported by competent evidence in the record. *See* 19-A M.R.S. § 1653(3) (2021); *Marston v. Marston*, 2016 ME 87, ¶ 7, 141 A.3d 1106. The court did not err or abuse its discretion in declining to grant Daunais's request. *Smith v. Padolko*, 2008 ME 56, ¶ 9, 955 A.2d 740 (“[A]n abuse of discretion will only be found if the award is plainly and unmistakably an injustice that is so apparent as to be instantly visible without argument.” (quotation marks omitted)).

The entry is:

Judgment affirmed.

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Nicholas Daunais, appellant pro se

Kelli M. Cummings did not file a brief

Springvale District Court docket number FM-2018-246  
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