

JOHN D. DEANE

v.

CRYSTAL W. DEANE

Submitted on Briefs October 30, 2024
Decided November 7, 2024

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

MEMORANDUM OF DECISION

Following his divorce from Crystal W. Deane, John D. Deane appeals from a post-judgment order (Bridgton, *Malia, J.*) granting Crystal's motion to enforce and denying John's motion to enforce and motion to modify child support. The trial judge did not abuse his discretion by either (1) not recusing himself from the proceedings or (2) not disclosing a potential conflict of interest earlier in the proceedings because evidence that a party's attorney is a former colleague of a judge presents a "mere prior association" that is insufficient to warrant recusal. *See Allphin v. United States*, 758 F.3d 1336, 1343-44 (Fed. Cir. 2014) (quotation marks omitted); *Parrish v. Wyttenbach*, 332 P.3d 975, 975 (Utah Ct. App. 2014). Moreover, at the beginning of the trial John affirmatively stated that "I don't see a reason for a recusal right now" and "we're okay." If the grounds for recusal are known before the hearing, "a party may not take a chance on gaining a favorable decision and then, if the decision is unfavorable," move to recuse. *Nadeau v. Nadeau*, 2008 ME 147, ¶ 64, 957 A.2d 108, 124.

The court did not err by dismissing John's motion to modify child support because the facts alleged, viewed in the light most favorable to him, would not entitle him to relief. 19-A M.R.S. § 2009 (2024); *see 20 Thames St. LLC v. Ocean*

State Job Lot of Me. 2017 LLC, 2021 ME 33, ¶ 14, 252 A.3d 516; *Doe v. Bd. of Osteopathic Licensure*, 2020 ME 134, ¶ 3, 242 A.3d 182. The court also did not err in admitting a short video offered by Crystal in support of her motion to enforce. Further, the alleged imperfections in the video did not preclude the video's admission into evidence. See *In re Child of Kimberlee C.*, 2018 ME 134, ¶ 5, 194 A.3d 925; *Pelletier v. Pelletier*, 2012 ME 15, ¶ 13, 36 A.3d 903. Finally, in denying John's motion to enforce, the court did not err or abuse its discretion because it based its conclusions on credibility determinations that were uniquely within its purview. *Pelletier*, 2012 ME 15, ¶ 13, 36 A.3d 903.

The entry is:

Judgment affirmed.

John D. Deane, appellant pro se

Bonnie S. Gould, Esq., Heritage Law, PLLC, Cornish, for appellee Crystal W. Deane