

MAGGIE M. WING

v.

DANIEL DUNN et al.

Submitted on Briefs November 25, 2024
Decided December 5, 2024

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

MEMORANDUM OF DECISION

Maggie M. Wing appeals from a judgment in favor of Daniel and Brenda Dunn entered after trial in the District Court (Lincoln, *Faircloth, J.*) on Wing's complaint alleging the Dunns' violation of a deeded easement. Wing did not present the easement deed in evidence at trial, but she asks us to enforce the easement's terms on appeal. "Our review of the merits of an appeal is limited to the facts and evidence in the record before the trial court." *Beane v. Me. Ins. Guar. Ass'n*, 2005 ME 104, ¶ 9, 880 A.2d 284. As the plaintiff, Wing had the burden of proving that the Dunns breached the terms of a deeded easement. *French v. Est. of Gutzan*, 2015 ME 152, ¶ 16, 128 A.3d 657. We cannot conclude that the evidence admitted at trial compelled such a finding. *See Westleigh v. Conger*, 2000 ME 134, ¶ 12, 755 A.2d 518. We further conclude that the trial court acted within its discretion in denying Wing's motion to reopen the evidence, which she filed only after the parties had testified, subject to cross-examination, and the court had entered a final judgment.¹ *See Miliano v. Miliano*, 2012 ME 100, ¶ 26 n.9, 50 A.3d 534; M.R. Civ. P. 43(j).

¹ As the court explained in its oral ruling, the effect of the judgment is to bar Wing from relitigating the alleged easement violation up to the date of trial. Whether Wing can bring a new action if she

The entry is:

Judgment affirmed.

Maggie M. Wing, appellant pro se

Stephen A. Bell, Esq., Stephen A. Bell, LLC, Portland, for appellees Daniel and Brenda Dunn

Lincoln District Court docket number RE-2022-10
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alleges that the easement violation has continued was not at issue in the trial court and is not at issue in this appeal.