

HEATHER BERUBE

v.

TIMOTHY GARLAND

Submitted on Briefs February 19, 2025

Decided February 27, 2025

Panel: MEAD, HORTON, CONNORS, LAWRENCE, and DOUGLAS, JJ.

MEMORANDUM OF DECISION

Timothy Garland appeals from a judgment entered by the District Court (Biddeford, *Moskowitz, J.*) on Heather Berube’s complaint for determination of parental rights and responsibilities and child support for their two children. Contrary to his contention, the court did not abuse its discretion in excluding evidence regarding his income and finances due to his repeated, willful violation of court orders requiring him to disclose that information before trial. *See Est. of Hoch v. Stifel*, 2011 ME 24, ¶ 32, 16 A.3d 137; *Bayview Loan Servicing, LLC v. Bartlett*, 2014 ME 37, ¶ 10, 87 A.3d 741; *Black v. Ward*, 633 A.2d 81, 83 (Me. 1993); M.R. Civ. P. 16A(d), 37(b)(2)(B), 108(f)(1), 112(c). Nor did the court err or abuse its discretion in determining, on the record before it, the schedule of child contact and amount of child support that Garland must pay. *See Young v. Young*, 2015 ME 89, ¶ 5, 120 A.3d 106; *Petersen v. Van Overbeke*, 2018 ME 104, ¶ 17, 190 A.3d 244; *Little v. Wallace*, 2016 ME 93, ¶¶ 18-19, 142 A.3d 585. Finally, there is no evidence in the record of any judicial bias, and the court did not err—much less commit obvious error—in presiding in this matter and entering its judgment. *See Samsara Mem’l Tr. v. Kelly, Remmel &*

Zimmerman, 2014 ME 107, ¶ 25, 102 A.3d 757; *Charette v. Charette*, 2013 ME 4, ¶ 22, 60 A.3d 1264.¹

The entry is:

Judgment affirmed.

Timothy Garland appellant pro se

Tyler J. Smith, Esq., Libby O'Brien Kingsley & Champion, LLC, Kennebunk, for
appellee Heather Berube

Springvale District Court docket number FM-2022-403
FOR CLERK REFERENCE ONLY

¹ In his reply brief only, Garland additionally argues that (1) the court should not have ordered him to bring his oldest child to athletic events on weekends because Berube made those commitments, and (2) the court should have awarded the parents equal time with the children. Because he did not include these arguments in his initial appellate brief, they are not preserved for appeal. *See DeSomma v. Town of Casco*, 2000 ME 113, ¶ 7 n.1, 755 A.2d 485; M.R. App. P. 7A(c). Moreover, even if we were to reach these issues, we would affirm the court's order. *See Mills v. Fleming*, 2017 ME 144, ¶¶ 6, 11-12, 166 A.3d 1012; *Little v. Wallace*, 2016 ME 93, ¶¶ 18-19, 142 A.3d 585.