

KENNETH M. BUSTIN

v.

ODD FELLOWS BUILDING ASSOCIATION

Submitted on Briefs September 27, 2000
Decided October 13, 2000

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY,
ALEXANDER, and CALKINS, JJ.

MEMORANDUM OF DECISION

Kenneth Bustin appeals from an order of discovery sanctions imposed in the Superior Court (Franklin County, *Studstrup, J.*) and from a judgment entered in that court (*Hjelm, J.*) in favor of Odd Fellows Building Association. Contrary to Bustin's contentions, the court committed no abuse of discretion in sanctioning Bustin for his repeated abuses of the discovery process in failing to produce requested documents. *See Harris v. Soley*, 2000 ME 150, ¶ 17, 756 A.2d 499. Furthermore, the court applied the correct burden of proof, *see O'Halloran v. Oechsle*, 402 A.2d 67, 69 (Me. 1979), and the basis of the judgment rendered in favor of Odd Fellows did not erroneously require Bustin to prove the uniqueness or materiality of the property in his lease with Odd Fellows. *See id.* at 70.

The entry is:

Judgment affirmed.

Attorney for plaintiff:

Michael J. Waxman, Esq.
P O Box 375
Portland, ME 04112-0375

Attorney for defendant:

David M. Sanders, Esq., (orally)
P O Box 271
Livermore Falls, ME 04254-0271