

ROBERT G. COSTA

v.

ROBERTA T. LICHTENGER (f/k/a COSTA)

Submitted on Briefs October 18, 2000
Decided October 20, 2000

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

MEMORANDUM OF DECISION

Robert Costa appeals from an order of the Superior Court (Washington County, *Mead, C.J.*) finding Costa in contempt of the divorce judgment of the Superior Court (*Marden, J.*). Although Costa argues that the motion court committed clear error in its findings of fact, Costa has failed to file a transcript of the contempt hearing, and, therefore, we assume that the record supports the trial court's findings. *See Lamb v. Euclid Ambler Assocs.*, 563 A.2d 365, 367 (Me. 1989). Contrary to Costa's contentions, the court did not abuse its discretion when it held Costa in contempt for having failed to pay Lichtenger sums owing to her pursuant to the divorce judgment, *see Zink v. Zink*, 687 A.2d 229, 232 (Me. 1996), or when it awarded Lichtenger attorney fees, *see Largay v. Largay*, 2000 ME 108, ¶ 16, 752 A.2d 194, 198; 19-A M.R.S.A. § 2102 (1998).

Because this appeal is frivolous and taken with no reasonable likelihood of success, we order Costa to pay to Lichtenger treble costs

pursuant to M.R. Civ. P. 76(f). *See Heikkinen v. Cote*, 2000 ME 1, ¶ 3, 742 A.2d 942, 943. On remand, the Superior Court shall order Costa to pay counsel fees to Lichtenger for this appeal. *See id.*

The entry is:

Judgment affirmed. Case remanded to Superior Court.

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