

JAY G. O'BRIEN et al.

v.

STEVEN SCHOFF JR.

Submitted on Briefs October 18, 2000
Decided October 25, 2000

Panel: CLIFFORD, RUDMAN, DANA, ALEXANDER, and CALKINS, JJ.

MEMORANDUM OF DECISION

Steven Schoff Jr. appeals from a judgment of the Superior Court (York County, *Brennan, J.*) awarding Jay and Deborah O'Brien, parents of Devin O'Brien and personal representatives of his estate, \$160,023 in compensatory damages and \$50,000 in punitive damages in this wrongful death action. Contrary to Schoff's contentions, the trial court did not abuse its discretion in awarding punitive damages, *see Hanover Ins. Co. v. Hayward*, 464 A.2d 156, 159 (Me. 1983), and Schoff's criminal conviction for the same conduct did not preclude the punitive damages award, *see Tuttle v. Raymond*, 494 A.2d 1353, 1356-57 (Me. 1985). In addition, the amount of punitive damages awarded was not clearly excessive. *See Harris v. Soley*, 2000 ME 150, ¶¶ 29-35, 756 A.2d 499, 508-10.

The entry is:

Judgment affirmed.

Attorney for plaintiffs:

Timothy H. Horton, Esq.
Kelly, Remmel & Zimmermann
P O Box 597
Portland, ME 04112

For defendant:

Steven Schoff Jr.
NHSP #30305
P O Box 14
Concord, NH 03301