

GEORGE A. VOKEY

v.

JUDITH W. PINETTE

Submitted on Briefs December 13, 2000
Decided December 15, 2000

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

MEMORANDUM OF DECISION

George Vokey appeals from a judgment entered in the Superior Court (Cumberland County, *Warren, J.*) denying motions to exclude testimony of three witnesses. Contrary to Vokey's contentions, the court did not abuse its discretion in not excluding the three witnesses as a sanction for a discovery violation. *See In re Misty B.*, 2000 ME 67, ¶ 9, 749 A.2d 754, 757. Further, even if Vokey did not waive relevancy objections, the court did not err in admitting the testimony of the three witnesses which tended to prove facts of consequence in the determination of the case. *See* M.R. Evid. 401, 402; *State v. Moon*, 2000 ME 142, ¶ 7, 755 A.2d 527, 529; *Simon v. Town of Kennebunkport*, 417 A.2d 982, 984-87 (Me. 1980).

The entry is:

Judgment affirmed.

Attorney for plaintiff:

William H. Childs, Esq.
Childs, Emerson, Fifield, Shumway & Altshuler, LLC
257 Deering Avenue
Portland, ME 04103-0257

Elizabeth A. Germani, Esq.
Germani & Riggle, LLC
4 Milk Street
Portland, ME 04101