

JAMES W. VOGT

v.

NANCY J. CHURCHILL

Submitted on Briefs November 30, 1999  
Decided January 24, 2000

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

#### MEMORANDUM OF DECISION

James W. Vogt appeals from a judgment of the Superior Court (Lincoln County, *Perkins, A.R.J.*) affirming a divorce judgment and other orders entered in the District Court (Wiscasset, *Field, J.*). Contrary to the contentions of Vogt, the court did not err, nor did it act outside the bounds of its discretion in determining that the primary residence of the children be with Churchill; *see Harmon v. Emerson*, 425 A.2d 978, 983 (Me. 1981); in determining the amount to be paid for child support, *see Harvey v. Robinson*, 665 A.2d 215, 217 (Me. 1995); *Powell v. Powell*, 645 A.2d 622, 624-25 (Me. 1994); in not ordering that the parental rights and responsibilities regarding the children be equally shared, *see Lee v. Lee*, 595 A.2d 408, 412 (Me. 1991); *see also* 19-A M.R.S.A. §§ 1653(3)(H), (I), (J) (1998); and in its determinations and division of marital property, *see Ramsdell v. Ramsdell*, 1997 ME 14, ¶ 8, 688 A.2d 918, 921; *see also Dubord v. Dubord*, 1997 ME 7, ¶ 5, 687 A.2d 647, 648. The court acted

within its discretion in orders requiring Vogt to pay toward the attorney fees incurred by Churchill. *See Gray v. Gray*, 609 A.2d 694, 699 (Me. 1992); *Eastman v. Eastman-Veres*, 1997 ME 26, ¶ 8, 690 A.2d 494, 496; 19-A M.R.S.A. § 4007(1)(L) (1998). Vogt's appeal from the protection from abuse order that has expired is moot, *see Sordyl v. Sordyl*, 1997 ME 87, ¶ 5, 692 A.2d 1386, 1387, and there are no collateral consequences resulting from the order sufficient to justify an exception to the mootness doctrine, *see id.* ¶ 6, 692 A.2d at 1387-88. The court acted within its discretion when it entered an order enjoining Vogt from filing complaints, pleadings, or petitions against any individual involved in this litigation without the signature of a licensed attorney and the approval of a judge. *See Spickler v. Key Bank of Southern Maine*, 618 A.2d 204, 207-08 (Me. 1992) (*Spickler I*); *see also Spickler v. Dube*, 644 A.2d 465, 469 (1994) (*Spickler II*). The court did not abuse its discretion in denying Vogt's motions for recusal and in declining to recuse. *See State v. Lewis*, 1998 ME 83, ¶ 3, 711 A.2d 119, 121; *State v. Rameau*, 685 A.2d 761, 763 (Me. 1996); *see also Hughes v. Black*, 160 A.2d 113, 119 (Me. 1960). Nor does the record disclose that any of Vogt's rights to due process were violated. *See City of Auburn v. Mandarelli*, 320 A.2d 22, 29 (Me. 1974). Lastly, the court did not act outside its discretion in excluding from evidence 1970 hospital records pertaining to Churchill. *See M.R. Evid.* 403.

The entry is:

Judgment affirmed.

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