

PRETI, FLAHERTY, BELIVEAU & PACHIOS

v.

JESSIE VOLK

Submitted on Briefs January 31, 2001  
Decided February 8, 2001

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

#### MEMORANDUM OF DECISION

Jessie Volk appeals from a judgment by the Superior Court (Cumberland County, *Delahanty, J.*), affirming a judgment by the District Court (Bridgton, *Sheldon, J.*) that awarded Preti, Flaherty, Beliveau & Pachios \$7222.75, plus interest and costs. Volk contends that the court erred in (1) failing to properly assign the burden of proof and relying on insufficient evidence in determining that Volk had accepted the firm's billing terms and that the amounts billed were reasonable; and (2) calculating the reduction of the fee award. Volk also claims that in spite of resolution of the contract claim, she still has a justiciable claim in quantum meruit, and that her affirmative defenses are not properly before this Court because she has not appealed the District and Superior Courts' rulings on her affirmative defenses.

A review of the record demonstrates that the District Court properly applied the burden of proof to Volk on her affirmative defenses to the

contract claim, *see Merrill v. Sugarloaf Mountain Corp.*, 2000 ME 16, ¶ 12, 745 A.2d 378, 384, that there is sufficient evidence to support the court's finding regarding Volk's contractual arrangement with Preti, Flaherty, *see Tarbuck v. Jaeckel*, 2000 ME 105, ¶ 25 n.5, 752 A.2d 176, 183, and that the court did not exceed its range of choice in calculating the attorney fee reduction. *See VanVoorhees v. Dodge*, 679 A.2d 1077, 1082 (Me. 1996). We need not address the other contentions of the parties.

The entry is:

Judgment affirmed.

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