

LISA TAPLEY

v.

WILLIAM NAPOLITANO

Submitted on Briefs October 15, 2001
Decided October 19, 2001

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

MEMORANDUM OF DECISION

William Napolitano appeals from a judgment of the District Court (Springvale, *Sheldon, J.*) on Napolitano's motion to modify parental rights that granted sole parental rights of the parties' child to Lisa Tapley and changed Napolitano's child support obligation. Napolitano has not provided any transcript of the hearings that led to the challenged order. As the party bringing the appeal, he had the obligation to ensure that the transcript was properly prepared and presented. *See Tenney v. Benson*, 1999 ME 177, ¶ 2, 741 A.2d 454, 455; *Putnam v. Albee*, 1999 ME 44, ¶¶ 6-9, 726 A.2d 217, 219. Failing to present a transcript, Napolitano is left with the facts as found by the District Court. Those facts indicate no error or abuse of discretion by the District Court.

The entry is:

Judgment affirmed. Remanded to the District Court to consider award of attorney fees and expenses incurred by Lisa Tapley on this appeal.

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