

ERIC W. PROCTOR

v.

HEIDI L. GARDNER

Submitted on Briefs December 2, 2002

Decided December 10, 2002

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

## MEMORANDUM OF DECISION

Heidi Gardner appeals from a judgment entered in District Court (Bangor, *Russell, J.*) finding her in contempt for failing to make her minor son available for regular telephone calls from his father, Eric Proctor, and changing child care arrangements without notifying Proctor, both in violation of a prior parental rights and responsibilities order. Because Gardner has not provided us with a transcript of the contempt hearing or a statement of the evidence pursuant to M.R. App. P. 5(d), we must assume that the court did not abuse its discretion in denying her telephone request for a second continuance. *See Alley v. Alley*, 2002 ME 162, ¶ 2,

--- A.2d ----, ----. The court acted within its authority in finding Gardner in contempt when she failed to appear for the hearing. *See* M.R. Civ. P. 66(d)(2)(E).

The entry is:

Judgment affirmed.

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For plaintiff:

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For defendant:

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