

ISABELLE SCHWEITZER

v.

CHRISTOPHER MALLER

Argued November 7, 2003
Decided December 2, 2003

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

MEMORANDUM OF DECISION

Christopher Maller appeals from a May 2003 judgment entered in the Superior Court (Hancock County, *Hjelm, J.*) holding him in contempt for failing to pay his children's educational expenses as directed by the settlement agreement incorporated in the court's (*Kravchuk, J.*) 1992 divorce judgment. Contrary to Maller's contentions, a prior order of the Superior Court (*Marsano, J.*) did not bar the court's later consideration of the meaning of the settlement agreement as it related to the children's college expenses because the parties did not, and could not have, litigated that issue previously, *see Macomber v. MacQuinn-Tweedie*, 2003

ME 121, ¶ 22, --- A.2d ---, nor did the prior order represent the “law of the case” with respect to that issue because that order did not address it, *see Sprague v. Washburn*, 447 A.2d 784, 787 (Me. 1982) (explaining that the “law of the case” prevents litigants from reopening questions of law that another judge *has previously decided*).

Finally, the court did not err in determining that the settlement agreement unambiguously required Maller to pay one hundred percent of his children’s educational and related travel expenses. *See Weiss v. Brown*, 1997 ME 57, ¶ 7, 691 A.2d 1208, 1210 (Me. 1997). Because Maller has not paid all of those expenses and has the ability to do so, we affirm the court’s finding of contempt, *see id.*, and award of attorney fees, *see Finn v. Finn*, 534 A.2d 966, 968-69 (Me. 1987).

The entry is:

Judgment affirmed.

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