

Decision: 2015 ME 26

Docket No. Pen-14-144

Submitted

On Briefs: February 26, 2015

Decided: March 10, 2015

Corrected: July 21, 2015

Panel: ALEXANDER, MEAD, GORMAN, JABAR, and HJELM, JJ.

DAVID E. MAJOR

v.

WEN YIH CHIANG

PER CURIAM

[¶1] Wen Yih Chiang appeals from a judgment of foreclosure in favor of David E. Major<sup>1</sup> entered in the Superior Court (Penobscot County, *Cuddy, J.*). He contends that the court abused its discretion or committed factual or legal error in (1) failing to rule on his motion for a new trial, (2) denying some of his motions to continue, (3) denying his motion for witnesses to testify remotely, (4) allowing David and Kim to present a rebuttal argument at trial, (5) admitting certain evidence and denying admission of other evidence, (6) making several of its factual findings, and (7) its overall legal determination.

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<sup>1</sup> David's wife, Kim Major, is also a party to this appeal because Wen Yih brought a number of claims against her as a third-party defendant, and he challenges the court's decisions as to those claims.

[¶2] Wen Yih’s filings to us comply with neither the Maine Rules of Appellate Procedure nor our specific orders to him. On August 27, 2014, Wen Yih filed a brief containing a 132-page “addendum” and a 723-page appendix. On September 12, 2014, Wen Yih moved to enlarge the page limit for his appendix. We denied that motion in an order dated September 16, 2014, and ordered Wen Yih to resubmit his brief without an addendum and to submit an appendix that complied with M.R. App. P. 8.

[¶3] Wen Yih then filed his first amended appendix and first amended brief. We rejected those documents because (1) the appendix did not contain the order appealed from or the trial court docket sheets and, (2) despite a direct order, Wen Yih’s first replacement brief also contained an “addendum” of 116 pages. In the order rejecting those documents, we warned Wen Yih that if he did not comply with the Rules of Appellate Procedure, “his appeal may be dismissed.”

[¶4] Although Wen Yih did limit his second amended appendix to 285 pages, it does not comply with M.R. App. P. 8 because it contains documents that (1) are not a part of the trial court file or record and (2) are not a supplement of legal authorities. *See* M.R. App. P. 8(c)(2).<sup>2</sup> In addition, Wen Yih’s second

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<sup>2</sup> We note also that Wen Yih failed to comply with the directive of M.R. App. P. 8(c)(3) that documents that are not mandatory “should be included only if they are important to the issues on appeal,” and then “shall be placed in the appendix following the ‘mandatory’ documents.”

amended brief still contains an addendum totaling 109 pages, and his reply brief includes an additional 24-page addendum.

[¶5] We recently clarified that failure to comply with Maine Rules of Appellate Procedure, in particular Rule 8, “prevents proper appellate review.” *Hutchinson v. Bruyere*, 2015 ME 16, ¶ 11, --- A.3d ---. Despite direct orders and a clear warning, Wen Yih failed to comply with Rule 8. Therefore, we dismiss his appeal. M.R. App. P. 8(j); *Hutchinson*, 2015 ME 16, ¶ 11, --- A.3d ---; *see also State v. Dominique*, 2011 ME 18, ¶ 1, 12 A.3d 53; *Lowd v. Dimoulas*, 2007 ME 61, ¶ 1, 924 A.2d 306; *State v. Ross*, 2004 ME 12, ¶ 1, 841 A.2d 814.

The entry is:

Appeal dismissed.

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**On the briefs:**

Wen Y. Chiang, appellant pro se

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Newport, for appellees David E. Major and Kim Major