

STATE OF MAINE
CUMBERLAND, ss.

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CLERK'S OFFICE

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. AP-00-031
NM-CUM-10/12/2000

MARYJANE ARNOTT,

OCT 12 10 43 AM '00

Plaintiff

vs.

DECISION AND ORDER

ALAN A. ARNOTT,

DONALD GARDNER
CLERK

Defendant

OCT 31 2000

The defendant Alan Arnott appeals the divorce judgment dated 3/8/00. The defendant argues that he was denied the right to obtain evidence.

The defendant contested that irreconcilable differences existed between the parties. See Interim Order dated 1/18/00 at 1; Transcript of 3/6/00 Divorce Hearing at 10. The record supports the District Court's finding of irreconcilable marital differences. See Transcript of 3/6/00 Divorce Hearing at 14-36, 87; Mattson v. Mattson, 376 A.2d 473, 476 (Me. 1977).

Neither the Case Management Officer nor the District Court erred in denying discovery requests, which the defendant's counsel admitted were extraordinary. See Transcript of 1/12/00 Hearing before Case Management Officer at 4; Interim Order at 1-2; Transcript of 3/6/00 Divorce Hearing at 45-46; M.R. Civ. P. 80(g).

The court does not consider the defendant's argument regarding the new evidence attached to his brief.

The entry is

The Defendant's Appeal is DENIED.

The Decision of the District Court is AFFIRMED.

The case is REMANDED to the District Court for consideration of a motion by Plaintiff for counsel fees on appeal.

Dated: October 10, 2000



Nancy Mills
Justice, Superior Court

CUM-AP-00-031

Date Filed 4-13-00

CUMBERLAND
County

Docket No. AP00-31

Action APPEAL FROM DISTRICT COURT

MARY JANE ARNOTT

ALAN A. ARNOTT

vs.

Plaintiff's Attorney

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Gorham, Maine 04038

OCT 31 2000

RECEIVED
CLERK OF COURT
CUMBERLAND COUNTY

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27 Pinecrest Avenue
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Date of