

SUPREME JUDICIAL COURT OF MAINE

Manon Cote et al. v. Roger Vallee et al.

2019 ME 156 (2019) · No. Yor-18-463 · Decided October 31, 2019

SUMMARY

The Maine Supreme Judicial Court affirmed a Superior Court judgment arising from a small claims dispute concerning an alleged breach of a license agreement to provide running water. The Court held that a party may not invite or consent to deviations from the procedural rules governing small claims appeals and later claim prejudice from those deviations. The Court also declined to impose appellate sanctions because the request was not made by separate motion and the appellees had participated in the procedural departures.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Alexander, J.; Saufley, C.J.; Mead, J.; Gorman, J.; Jabar, J.; Hjelm, J.; Humphrey, J.
JURISDICTION	Maine
DECIDED	October 31, 2019
DOCKET	Yor-18-463
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendants appealed from a Superior Court judgment affirming, with a reduction in damages, a District Court small claims judgment. The Supreme Judicial Court reviewed whether the defendants could obtain a new jury trial after having requested and consented to deviations from the prescribed small claims appellate process.
STANDARD OF REVIEW	Questions of law are reviewed de novo. Appellate review recognizes the invited-error rule and does not provide an opportunity to change strategy after an unfavorable result when the party affirmatively invited or consented to the challenged procedure.
PRECEDENTIAL VALUE	Published Maine Supreme Judicial Court opinion; precedential.
PARTIES	Roger Vallee, Melody Vallee v. Manon Cote, Sylvain Theriault

TOPICS

appellate procedure

civil procedure

waiver

standard of review

breach of contract

PRACTICE AREAS

civil procedure

appellate procedure

contracts

QUESTIONS PRESENTED

1. Whether a defendant appealing a small claims judgment in the Superior Court has a right to a second bench trial de novo.
2. Whether the Superior Court's unusual procedure for reviewing the small claims judgment could be challenged on appeal when the Vallees invited or consented to the procedural deviations.
3. Whether the appellees were entitled to sanctions when they requested sanctions only in their brief and did not file a separate sanctions motion.

HOLDINGS

1. A defendant appealing a small claims judgment to the Superior Court has only two procedural options: appellate review on questions of law based on the District Court record, or a jury trial de novo after demonstrating a genuine issue of material fact. There is no right to a second bench trial de novo.
2. A party may not invite or consent to deviations from the required appellate process and then obtain appellate relief based on those same deviations after the result proves unfavorable. The Vallees' strategic choices and agreements did not provide a basis for remanding the case for a new jury trial.
3. Sanctions were not warranted because the appellees had acquiesced in or agreed to procedural departures that contributed to the delay and because they requested sanctions only in their brief rather than by a separate motion.

KEY QUOTATIONS

“There is no option for a second bench trial.” (¶ 10)

“The results of the Vallees’ strategic choices and agreements to deviate from the established process for review of small claims judgments cannot now be undone on an appeal from the resulting judgment, which they view unfavorably.” (¶ 16)

FACTUAL BACKGROUND

Cote and Theriault alleged that the Vallees breached a license agreement requiring them to provide running water to the adjoining property, forcing Cote and Theriault to install a new well. The District Court entered judgment for Cote and Theriault for \$6,000 plus \$92.17 in costs. During the Superior Court appeal, the Vallees changed positions regarding a jury trial, summary judgment, and a bench trial, and ultimately agreed to appellate review based on a stipulated record.

PROCEDURAL HISTORY

Cote and Theriault obtained a \$6,000 small claims judgment plus costs against the Vallees in the District Court. The Vallees appealed to the Superior Court and requested a jury trial de novo, but later withdrew that request, consented to a bench-trial process, and agreed that the evidence developed in the Superior Court could serve as the appellate record. The Superior Court ultimately treated the matter as an appellate review, affirmed liability, and reduced damages to \$5,196.84. The Supreme Judicial Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Thomas v. BFC Marine/Bath Fuel Co., 2004 ME 27, ¶ 14, 843 A.2d 3
- Buffington v. Arnheiter, 576 A.2d 751, 752 (Me. 1990)
- Taylor v. Walker, 2017 ME 218, ¶¶ 5-6, 173 A.3d 539
- Kingsbury v. Forbes, 1998 ME 168, ¶ 5, 714 A.2d 149
- Ela v. Pelletier, 495 A.2d 1225, 1228-29 (Me. 1985)
- Ferguson v. Jackson, 1997 ME 235, ¶ 3, 704 A.2d 378
- Tisdale v. Rawson, 2003 ME 68, 822 A.2d 1136
- H&H Oil Co. v. Dineen, 557 A.2d 604, 605-06 (Me. 1989)
- Darling's Auto Mall v. Gen. Motors, LLC, 2016 ME 48, ¶ 10, 135 A.3d 819
- Portfolio Recovery Assocs., LLC v. Bickford, 2017 ME 140, ¶ 9, 166 A.3d 986
- P.R. Hosp. Supply, Inc. v. Bos. Sci. Corp., 426 F.3d 503, 505 (1st Cir. 2005)
- United States v. Melvin, 730 F.3d 29, 40 (1st Cir. 2013)
- State v. Cleaves, 2005 ME 67, ¶ 13, 874 A.2d 872
- State v. Scott, 2019 ME 105, ¶¶ 19-20, 211 A.3d 205
- State v. Rega, 2005 ME 5, ¶ 17, 863 A.2d 917
- Sullivan v. Porter, 2004 ME 134, ¶ 22, 861 A.2d 917
- Me. Educ. Assoc. v. Me. Cmty. College Sys. Bd. of Trs., 2007 ME 70, ¶¶ 16-18, 923 A.2d 914
- McGarvey v. McGarvey, 2019 ME 40, ¶ 6, 204 A.3d 1276
- Manzo v. Reynolds, 477 A.2d 732, 734 (Me. 1984)