

STATE OF MAINE  
Sagadahoc, ss.

SUPERIOR COURT  
AMH-SAG-9/8/2010

ROBERT HANSS and SHOSHANNA YORK,

Plaintiffs/Appellants

v.

Docket No. SAGSC-AP-10-005

WAYNE FOURNIER

Defendant/Appellee

### DECISION AND ORDER

This small claims appeal is before the court on the appeal of the small claims plaintiffs, Robert Hanss and Shoshanna York from the decision of the West Bath District Court granting a small claims judgment to the small claims defendant, Wayne Fournier. The court elects to decide the appeal without oral argument.

When the plaintiff in a small claims case appeals to the Superior Court, the appeal is on questions of law only, based on the record on appeal. M.R. S.C. P. 11(d)(1). The record on this appeal includes the original papers and exhibits filed in the District Court, a certified copy of the docket entries. M.R. Civ. P. 76F(a), and the appellant's written statements regarding the case and their reasons for appealing, the most recent of which was docketed September 7, 2010.

The record in this case does not include a transcript of the trial proceedings. Rule 76F(c) provides that when a transcript is unavailable, the appellant "may prepare a statement of the evidence or proceedings from the best

available means, including the appellant's recollection, for use instead of a transcript.”

Mr. Hanss and Ms. York, as the appellants, have the burden of providing an adequate record. *Lamb v. Euclid Ambler Assoc.*, 563 A.2d 365, 367 (Me. 1989). No record of the hearing has been filed, nor any statement of evidence, so this court must assume that the evidence was sufficient to support the District Court’s determination.

Moreover, the appellants have not pointed to any particular error of law in the District Court judgment. Their primary argument is that their evidence should have been accepted. Because their appeal is limited to errors of law, in effect they had to show that the District Court committed an error of law by denying them any recovery on their claim, and the record does not support any such conclusion.

It is hereby ORDERED as follows:

The appeal is denied. The Notice of Judgment and the separate Decision of the District Court dated May 14, 2010, are hereby affirmed.

Pursuant to M.R. Civ. P. 79(b), the Clerk is hereby directed to incorporate this order by reference in the docket.

Dated September 8, 2010

  
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Justice, Superior Court  
Honorable Andrew M Horton