STATE OF MAINE
MAINE SUPREME JUDICIAL COURT
SITTING AS THE LAW COURT

LAW COURT DOCKET NO. PEN-25-308

DANIELLE NADEAU

Plaintiff/Appellee

v.

JASON D. NADEAU

Defendant/Appellant

ON APPEAL FROM THE PENOBSCOT COUNTY SUPERIOR COURT
DOCKET NO. PENSC-CIV-2024-00004

BRIEF OF APPELLANT JASON D. NADEAU

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Factual Background

Plaintiff Danielle Nadeau ("Danielle") and Defendant Jason Nadeau ("Jason") are cousins. (Tr. p. 16, l. 21, 22.) Danielle and Jason were not close growing up; they saw each other less than six times in the period when Danielle was between 10 and 16. (Tr. p. 21, l. 7-23.)

Jason's father is Dana Nadeau. (Tr. p. 17, l. 2, 3.) Steve Nadeau is Danielle's father and Dana's brother. (Tr. p. 85, l. 5-11.) In January 2011, Jason, his father Dana and his uncle Steve went on a snowmobile trip in the Fort Kent area. (Tr. p. 88, l. 4-25; p, 89, l. 1-4.) At some point in their trip, Jason and his uncle Steve realized that Dana Nadeau was no longer riding on the trail behind them. (Tr. p. 92, l. 15, 16.) Jason and Steve turned around and went back to find that Dana had gone off the trail. (Tr. p. 92, l. 15-20.)

Dana said he wasn't feeling well. (Tr. p. 92, l. 22-24.) They let a few minutes pass, after which Dana said he was feeling worse. (Tr. p. 93, l. 20-24.) Steve called his sister Sue, and she came and picked up Jason, Dana and Steve and drove them to the hospital in Fort Kent. (Tr. p. 94, l. 14-25.) Everyone was concerned because heart ailments ran in the Nadeau family and Dana had previously had a heart attack when he was 58. (Tr. p. 94, l. 2-10.) At some point Danielle arrived at the hospital in Fort Kent. (Tr. p. 95, l. 10-14.)

Dana was transported by ambulance from the hospital in Fort Kent to Eastern Maine Medical Center in Bangor. (Tr. p. 95, l. 21-25; p. 96, l. 1-4.) Steve rode with Dana in the ambulance. (Tr. p. 96, l. 5, 6.) Jason followed the ambulance in his truck from Fort Kent to Bangor. (Tr. p. 45, l. 7-25; p. 46, l. 1-14.) Danielle wanted to accompany her father on the trip to Bangor, and Jason offered to let her ride with him as a passenger. (Tr. p. 73, l. 13-18.) She did. (Tr. p. 45, l. 10-12.)

Danielle and Jason profoundly disagreed as to what transpired on the trip.

Jason testified he did nothing inappropriate on the trip. (Tr. p. 74, l. 6-19.) He did not inappropriately touch Danielle or engage in any sexual conversation. (Tr. p. 74, l. 6-19.) Jason testified that at some point after arriving at the hospital in Bangor, he decided he wanted a change of clothes. (Tr. p. 75, l. 20-22.) He went with Danielle to her brother Josh's apartment. (Tr. p. 49, l. 8-12.)

Jason testified that while at the apartment, there was no physical contact with Danielle and that he did not do anything sexually suggestive. (Tr. p. 76, l. 15-24.)

Jason testified he did take a shower at the apartment. (Tr. p. 76, l. 25; p. 77, l. 1-4.) Jason had brought with him a big snowmobile bag with a change of clothes. (Tr. p. 77, l. 7-11.) After showering, Jason came out of the bathroom to grab his clothes which were outside the bathroom door. (Tr. p. 77, l. 14-21.) He

was wearing a towel when he came out. (Tr. p. 77, l. 22-24.) He did not expose himself to Danielle. (Tr. p. 77, l. 25; p. 78, l. 1-3.)

Danielle's version of events was markedly different. She testified that about 10 or 15 minutes into the ride Jason began asking inappropriate sexual questions. (Tr. p. 193, l. 10-25; p. 194, l. 1-16.) She says Jason touched her leg and fondled her breasts and vaginal area. She was clothed at the time. (Tr. p. 195, l. 5-16.) During the ride, Danielle was texting her friends, asking what they would say in response to Jason's questions. (Tr. p. 196, l. 5-12.)

Danielle mentioned to Jason "a couple of times" that the touching and questions were inappropriate. (Tr. p. 197, l. 23-25.) While Danielle says she thought about "escaping" when Jason stopped at the convenience store during the trip, she remained in the truck and didn't go into the store to seek help or make a phone call because she didn't want to bring attention to the situation. (Tr. p. 200, l. 1-3; p. 250, l. 16-22.)

Danielle testified that she and Jason went to her brother's apartment prior to going to the hospital. (Tr. p. 200, l. 23-25; p. 201, l. 1-8.) She says Jason wanted to shower before going to the hospital. (Tr. p. 201, l. 1-3.) Danielle says she told Jason she wanted to stay in the truck while he showered, but she went into the apartment with him nonetheless. (Tr. p. 202, l. 1-9.) She testified that while

walking up the stairs to the apartment, Jason grasped her buttocks. (Tr. p. 202, l. 11-18.)

Danielle testified that while Jason was showering, she made a bag of popcorn and watched television. (Tr. p. 203, l. 8-13.) She testified that Jason came out of the bathroom naked and was stroking his erect penis. (Tr. p. 205, l. 15-25.) Jason did not touch her inside the apartment. (Tr. p. 206, l. 17, 18.) Before getting back in the truck, she says Jason threatened to harm her brother and her parents. (Tr. p. 207, l. 2-8.) Then, they drove to the hospital where Jason's father was.

Danielle claims to have suffered severe emotional distress as a result of her interactions with Jason. She has seen one counselor in 2012 for her complaints. (Tr. p. 244, l. 18-20.) She stopped seeing her after six or seven visits, because she felt they were not a "good fit" and because of concerns about "re-traumatization." (Tr. p. 245, l. 5-20.) She made no other efforts to seek counseling. (Tr. p. 246, l. 22-25; p. 247, l. 1-11.)

Danielle did not call an expert witness at trial.

Danielle called her father Steve as a witness. He testified that after January 2016, his impression was that Danielle was "snappy" and had lost her self-esteem. (Tr. p. 108, l. 16-25.) He further testified that she is currently "100 percent better than was three years ago." (Tr. p. 116, l. 11-20.)

Over objection, the Court admitted medical records from Fish Rural Mental Health, which include a reference to someone having diagnosed Danielle with PTSD. (Tr. p. 227, l. 15 - p. 231 l. 1-25.) In doing so, the Court noted, "If there's a passing reference to PTSD by a provider who did not make that diagnosis, then it seems to me it does not have a whole lot of weight, it's probably not competent to establish Ms. Nadeau suffers from that particular concern." (Tr. p. 230, l. 17-22.)

In its decision from the bench, the Court noted, "The severity of the distress, this – this is also interesting, but I'm satisfied in two ways. One is the intensity and duration of the symptoms that Danielle suffered, and that's been going on for years. The other is the diagnosis that does appear in the medical records. And I – I agree there was no expert, and I would have preferred that there has been. But a competent diagnosis from some source is found in those medical records. It's there. And there was nothing in the factual record of this trial to correlate to that diagnosis other than what Danielle told me. So I'm satisfied that qualifies for the severe emotional distress necessary to sustain that claim. (Tr. p. 73, l. 21-25; p. 74, l. 1-7.)

Procedural Background

Danielle filed her Complaint on January 25, 2024. Jason filed his Answer on February 29, 2024.

A bench trial was held on May 22 and May 23, 2025. The Court issued its verdict from the bench on May 23, 2024. [App. 9-22] Jason filed his Notice of Appeal on June 10, 2025. The Court's Judgment, dated June 26, 2025, was docketed on June 27, 2025. [App. 8] It awarded Danielle $750,000 in compensatory damages and $250,000 in punitive damages, "concurrent on all claims."

STATEMENT OF THE ISSUES PRESENTED FOR REVIEW

I. ARE PLAINTIFF'S CLAIMS BARRED BY THE GENERAL STATUTE OF LIMITATIONS, 14 M.R.S.A. § 752?

II. DID PLAINTIFF PROVE THAT DEFENDANT ACTED WITH CRIMINAL NEGLIGENCE SUCH THAT 14 M.R.S.A. § 752-C APPLIES TO THIS CASE?

III. DID PLAINTIFF PROVE SHE SUFFERED PHYSICAL HARM TO SUPPORT THE COURT'S NEGLIGENCE VERDICT?

IV. DID THE COURT ERR IN CONCLUDING THERE WAS A SPECIAL RELATIONSHIP BETWEEN PLAINTIFF AND DEFENDANT TO SUPPORT ITS NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS VERDICT?

V. DID THE COURT ERR IN CONCLUDING PLAINTIFF SUFFERED SEVERE EMOTIONAL DISTRESS?

SUMMARY OF THE ARGUMENT

Danielle's claims are barred by the statute of limitations. Her claims arose in January 2011; she filed her lawsuit in January 2024. Under the general statute of limitations, 14 M.R.S.A. § 752, she had six years to bring suit. To avail herself of the special statute of limitations pertaining to minors, 14 M.R.S.A. § 752-C, she had to prove Jason acted with *criminal negligence* with respect to whether she consented to Jason's actions. The evidence was she did not, and as a result her claims are barred.

In addition, Danielle failed to prove, as a matter of law, her claims. The trial court erred in concluding she had proven her negligence claim because she did not suffer physical harm. The trial court erred in concluding she had proven her negligent infliction of emotional distress claim because no special relationship existed between Jason and Danielle. Finally, the trial court erred in concluding Danielle had proven her intentional infliction of emotional distress claim because she did not suffer severe emotional distress.

ARGUMENT

I. DANIELLE'S CLAIMS ARE BARRED BY THE STATUTE OF LIMITATIONS

Danielle filed her lawsuit on January 25, 2024. [App. 3] Her Complaint asserts three causes of action: Count I is styled as "Negligence and Recklessness; Count II is for "Negligent Infliction of Emotional Distress"; Count III is for

"Reckless Infliction of Emotional Distress." [App. 23-28] In her Complaint, Danielle alleges she was sexually assaulted in January 2011. [App. 24-25] Danielle was born on June 28,1994. [App. 23] She turned 18 on June 28, 2012.

In his Answer, Jason asserted the statute of limitations as an affirmative defense. [App. 33]

Under the general statute of limitations, 14 M.R.S.A. § 752, Danielle had six years from when she turned 18 to file her lawsuit. Thus, under the general statute of limitations, Danielle had until June 2018 to commence her lawsuit. Danielle asserts her Complaint is not time-barred because she falls within the statute of limitations specifically dealing with sexual acts torward minors. At the time she filed her lawsuit, that statute read as follows:

> **§752-C. Sexual acts towards minors**
>
> **1. No limitation.** Actions based upon sexual acts toward minors may be commenced at any time.
>
> **2. Sexual acts toward minors defined.** As used in this section, "sexual acts toward minors" means the following acts that are committed against or engaged in with a person under the age of majority:
>
> [A and B have been repealed.]
>
> C. Gross sexual assault, as described in Title 17-A, section 253
>
> D. Sexual abuse of a minor, as described in Title 17-A, section 254

E. Unlawful sexual contact, as described in Title 17-A, section 255-A

F. Unlawful sexual touching, as described in Title 17-A, section 260

G. Sexual exploitation of a minor, as described in Title 17-A, section 282

H. Incest, as described in Title 17-A, section 556.

3. Application. This section applies to all actions based upon sexual acts toward minors regardless of the date of the sexual act and regardless of whether the statute of limitations on such actions expired prior to the effective date of this subsection.

14 M.R.S.A. § 752-C.

In order to avail herself of this statute, which places no limit on when a lawsuit involving sexual acts toward minors can be commenced, Danielle must bring herself within the definition of "*sexual acts towards minors*."

Prior to October 25, 2023, the statute's definition of sexual acts toward minors was different than the current version. In pertinent part it provided:

2. Sexual acts toward minor defined. As used in this section, 'sexual acts toward minors' means the following acts that are committed against or engaged in with a person under the age of majority:

A. Sexual act, as defined in Title 17-A, section 251, subsection 1, paragraph C; or

B. Sexual contact, as defined in Title 17-A, section 251, subsection 1, paragraph D.

(former 14 M.R.S.A. § 752-C)

In this previous iteration of the statute, the Legislature elected to reference the Definitions and General Provisions Section of the Maine Criminal Code. This changed in October 2023, when the Legislature removed reference to the Definitions section and elected to define sexual acts toward minors by reference to special criminal offenses in the Maine Criminal Code.

There are two sections which arguably would allow Danielle to bring her claims within the definition of "sexual acts toward minors": 14 M.R.S.A. § 752-C(2)(E) and 14 M.R.S.A. § 752-C(2)(F).

Title 14 M.R.S.A. § 752-C(2)(E) references unlawful sexual contact "as described in Title 17-A M.R.S.A. § 255-A." (Unlawful Sexual Contact.) The only portion of that statute pertinent to the facts of this case is 17-A M.R.S.A. § 255-A(1)(A) which provides:

> 1. A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and;
>
> A. The other person has not consented the sexual contact and the actor is *criminally negligent* with regard to whether the other person consented. Violation of this paragraph is a Class D Crime.
>
> [Emphasis added.]

Title 14 M.R.S.A. § 752-C(2)(F) references unlawful sexual touching "as described in Title 17-A M.R.S.A. § 260." The only portion of that statute pertinent to the facts of this case is Title 17-A M.R.S.A. § 260(1)(A) which provides:

> 1. A person is guilty of unlawful sexual touching if the actor intentionally subjects another person to any sexual touching and
>
> (A) the other person has not consented to the sexual touching and the actor is *criminally negligent* with regard to whether the other person has consented. Violation of this paragraph is a Class D Crime.
>
> [Emphasis added.]

Both unlawful sexual contact and unlawful sexual touching require proof that "the actor is criminally negligent with regard to whether the other person has consented." Thus, to bring herself within 14 M.R.S.A. § 752-C, Danielle in this case had to establish a specific *mens rea* that Jason was criminally negligent with regard to whether Danielle consented to unlawful sexual contact or unlawful sexual touching. In other words, Danielle had to prove a criminal culpable state of mind on the part of Jason as to whether she consented to his actions. This is a change from the prior version of the statute which did not require proof of any culpable state of mind.

"Criminal negligence" is defined in Title 17-A M.R.S.A. § 35, which pertains to culpable states of mind. In pertinent part it provides:

> A person acts with criminal negligence with respect to a result of the person's conduct when the person fails to be aware of a risk that the person's conduct will cause such a result.

17-A M.R.S.A. § 35(4)(A).

Danielle failed to prove that Jason was criminally negligent, meaning Danielle failed to prove that Jason was unaware she had not consented.

Recognizing that Jason denied Danielle's allegations, Danielle conceded the point in her testimony:

> Q. Let me ask you. Is there any doubt in your mind, Ms. Nadeau, that you were sending messages to Jason that you did not consent to this touching?
>
> A, There is no doubt in my mind that I did send him messages that it was inappropriate.
>
> Q. Thanks. You phrased it better than me. And so your belief is that he would have clearly understood to your mind that you were not consenting to this; is that true?
>
> A. That is correct.

[Tr. p. 255, l. 18-25; p. 256, l. 1-5]

Indeed, in his factual conclusions issued in his decision from the bench, the Court noted:

> In this truck for literally hours, driving through very sparsely populated areas in which Jason solicited this sexual encounter, hoping, I'm sure that Danielle would consent. She didn't and then he persisted.

[Tr. p. 71, l. 20-23.]

Danielle's failure to establish criminal negligence means she cannot bring herself within the scope of Title 14 M.R.S.A. § 752-C. That does not mean Danielle was deprived of a remedy. It simply means the applicable statute of limitations was the general statute of limitation found at Title 14 M.R.S.A. § 752.

Danielle had six years from the date of the incident, six years from January 2011 to bring her claim.

Because Danielle did not file her lawsuit within the applicable statute of limitations her claims are barred.

II. DANIELLE FAILED TO PROVE HER CLAIMS AT TRIAL

As a matter of law, based on the evidence presented at trial, Danielle failed to prove her claims. Each claim is considered below.

A. Negligence/Lack of Physical Harm

Count I of Danielle's Complaint is a claim for negligence. At the outset, in light of the preceding argument, for Danielle to stay within the safe harbor of § 752-C and avoid a statute of limitations defense, she had to prove a particular type of negligence, criminal negligence, and, as discussed above, she failed to do that.

The duty of reasonable care that applies in an action for general negligence is the duty to act reasonably to avoid "physical harm" to others *Boivin v. Somatex, Inc.*, 2022 ME 44, ¶ 12. Danielle's claim injuries were exclusively for emotional harm. At trial, Danielle offered no evidence that she had suffered physical harm.

Danielle, without any supporting expert testimony, testified to having nightmares. [Tr. p. 236], flashbacks [Tr. p. 236], depression [Tr. p. 237] and irritability [Tr. p. 237]. However, none of these qualify as physical harm.

Over objection, the Court allowed in evidence medical records of Fish River Rural Health [Tr. p. 231].[1] Those records include an entry: "She [Danielle] has a history of abuse and has been diagnosed with PTSD."

Danielle's counsel asked Danielle on direct examination:

Q. Danielle, were you diagnosed with PTSD?

A. I was.

[Tr. 233] The Court admitted this testimony over objection.

Danielle's counsel followed up:

Q. Do you remember who diagnosed you with that?

A. I believe it was my therapist or my counselor that I was seeing Sheryl Brockett.

. . .

Q. Okay. What did you tell Sheryl Brockett that led to the PTSD diagnosis?

Mr. Bals: Objection. Hearsay.

The Court: Overrruled.

Ms. Murray-James: Your honor, it's a hearsay exception.

The Court: Huh?

[1] Jason did not object to admission of the records on hearsay grounds; rather the objection was made on relevance grounds because there was no expert testimony to link the medical findings with any condition of Danielle.

Mr. Bals: I don't believe it.

Ms. Murray-James: For medical reasons.

The Court: Yeah. Overruled. Go ahead.

The Court erred when it allowed in testimony that Danielle was diagnosed with PTSD without an expert to support that diagnosis.[2] Regardless, Danielle failed to present any evidence of physical harm which would give rise to a claim of breach of duty on the part of Jason. To the extent that Danielle claims PTSD is a physical harm, she failed to offer any expert testimony to support that diagnosis.

As a result, the Court erred when it found in favor of Danielle under the negligence theory.

B. Negligent Infliction of Emotional Distress/Lack of Special Relationship

Count II of Danielle's Complaint is a claim for Negligent Infliction of Emotional Distress. The Court erred in finding for Danielle on this theory because, as explained in *Boivin*, *supra*, to prevail on a claim for negligent infliction of emotional distress, Danielle was required to show that one of two circumstances was present. The first is a bystander liability situation, which the parties agree

[2] It was unclear who allegedly made the PTSD diagnosis referenced in the Fish River Rural Health records. It possibly was the therapist Sheryl Brockett who Danielle saw in the fall of 2012. Because Danielle waited until 2024 to bring her lawsuit, those records were no longer available. [Tr. p. 234, l. 15-25; p. 235, l. 1-9.]

does not apply to this case. The second, the existence of a special relationship between Danielle and Jason, was not proven.

Only where a particular duty based on the unique relationship of the parties has been established may a defendant be held responsible, absent some other wrongdoing, for harming the emotional well-being of another." *Bryan R. v. Watchtower Bible & Tract Soc. of New York, Inc.*, 1999 ME 144, ¶ 31, 738 A.2d 839, 848 (concluding that no special relationship existed between minister and child of church members). A requisite "special relationship" can be found only in "narrow circumstances." *Berry v. WorldWide Language Res., Inc.*, 716 F. Supp. 2d 34, 51 (D. Me. 2010) (applying Maine law); *see also Bolton v. Caine*, 584 A.2d 615, 618 (Me.1990) (holding that a physician-patient relationship gives rise to a duty to avoid emotional harm from failure to provide critical information to patient); *Gammon v. Osteopathic Hosp. of Me.*, 534 A.2d 1282, 1285 (Me.1987) (holding that a hospital's relationship to the family of deceased gives rise to a duty to avoid emotional harm from handling of remains); *Rowe v. Bennett*, 514 A.2d 802, 806–07 (Me.1986) (holding that the unique nature of psychotherapist-patient relationship gives rise to a duty of care to the patient).

Maine courts have been reluctant to expand the scope of special relationships for purposes of negligent infliction of emotional distress beyond narrow, well-delineated categories such as doctor-patient relationships and

attorney-client relationships. *Berry*, 716 F. Supp. 2d at 50-52 (D. Me. 2010); *see also Curtis v. Porter*, 2001 ME 158, 784 A.2d 18 (no special relationship between a pizza delivery person and a customer in a NIED claim); *Estate of Cilley v. Lane*, 2009 ME 133, 985 A.2d 481 (rejecting a claim that a former girlfriend owed a duty to her former boyfriend, who was trespassing on her property, to rescue him after he had shot himself); *Richards v. Town of Eliot*, 2001 ME 132, ¶ 34, 780 A.2d 281, 293 (finding no "special relationship" between a police officer and an arrestee for purposes of a NIED claim).

No special relationship existed here. The Court in its decision attempted to work around this failing by concluding a special relationship existed by virtue of the fact that Danielle and Jason were first cousins, and because Jason was driving a vehicle in which Danielle was a passenger.

The Court erred in construing facts that would give rise to a duty of care with facts that create a special relationship. There is no question that as the driver of an automobile, Jason owed a duty of care to Danielle, his passenger. That duty of care, which is an element of a negligence claim, is not synonymous with a special relationship. There is no support in the law for a "situational special relationship." Taken to its logical conclusion, every driver of every vehicle would have a special relationship with his/her passenger.

The Court erred in finding for Danielle under the negligent infliction of emotional distress count because Danielle failed to establish the existence of a special relationship.

C. Intentional Infliction of Emotional Distress/Lack of Severity

Count III of Danielle's Complaint is a cause of action for intentional infliction of emotional distress. To prove a claim for intentional infliction of emotional distress, a plaintiff must prove, among other things, that the emotional distress suffered was so severe that no reasonable person could be expected to endure it. *Deane v. Central Maine Power Co.*, 2024 ME 72, ¶ 43. The element of severe emotional distress may be satisfied in two ways-either by proof of objective symptomatology or by inference based on the extreme and outrageous nature of the defendant's conduct. *Id.*, ¶ 44.

To establish severe emotional distress based on objective symptomatology, a plaintiff is required to do more than prove that the emotional distress she suffered was serious. *Id.*, ¶ 45. Stress, humiliation, loss of sleep and anxiety occasioned by the events of everyday life are endurable and therefore insufficient. *Id.*, ¶ 46.

As this Court has noted, "in most instances, a proof of objective symptoms will require expert testimony to establish that the plaintiff's emotional injury qualifies for a diagnosis such as shock, post-traumatic stress disorder, or some other recognized medical or psychological disease or disorder. *Id.*, ¶ 47.

The evidence presented by Danielle at trial, of nightmares and anxiety, was insufficient as a matter of law to rise to the level of severe emotional distress without an expert to offer an opinion that Danielle's symptomatology was in fact severe. Danielle failed to prove severe emotional distress based on objective symptomatology.

The trial court concluded that Danielle's severe emotional distress could be inferred from Jason's conduct. On this point, however, the Court was equivocal, noting in its decision from the bench:

> It certainly caused emotional distress. Now, was it so severe that Danielle could not endure it? This is a little paradoxical because, I mean, you're-you know, I'll get to this again in a few moments. You're-you're doing awfully well. But--and--and life is hard, and we all have emotional distress, and you have endured it. But as I understand this record, you have endured it as a cost of a decade of recurrent symptoms and a decade of pharmaceuticals. And I find that qualifies, although it's not at the extreme end of the kind of distress that people suffer and come to Court for.

[Tr. p. 74, l. 17-25; p. 75, l. 1-3.]

The "recurrent symptoms" identified by the Court do not constitute severe emotional distress. Moreover, it was error, as a matter of law, for the Court to infer severe emotional distress in the face of evidence that the emotional distress suffered by Danielle was not severe. This error on the part of the court only underscores the problem with allowing proof of severe emotional distress in an IIED claim when there is no supporting expert testimony. To the extent this Court

determines that it is still permissible to infer severe emotional distress in an IIED claim without expert testimony, then that should only be allowed in those circumstances where a plaintiff's objective symptomology supports that conclusion.

CONCLUSION

Because Danielle's claims are barred by the statute of limitations and because she failed to prove her claims at trial, the Judgment should be reversed and Judgment entered in favor of Jason.

Dated: October 7, 2025

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CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2025 I served true copies of the above Appellant's Brief and Appendix, by providing electronic copies and paper copies to Appellee's counsel:

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