

STATE OF MAINE
SUPREME JUDICIAL COURT
SITTING AS THE LAW COURT

LAW COURT DOCKET NO. YOR-26-114

Pat Doe,
Appellee,
v.
Leslie Tidwell,
Appellant

On Appeal from Biddeford District Court (Civil Docket)

BRIEF OF APPELLEE(S)

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INTRODUCTION

This case arises under Title 5 M.R.S. § 4651, consisting of three consolidated cases wherein the trial court properly exercised its discretion to draw inferences from record evidence supporting its conclusions to deny relief to Appellant Leslie Tidwell (“Tidwell”) on her harassment complaints, and to extend protection to Pat Doe on her complaint for protection from harassment against Tidwell, in each instance under the criminal act prong of the statute, 5 M.R.S. § 4651(2)(C). These cases present feeble due process claims by Tidwell, a self-admitted serial litigant, and a claim by the prevailing parties, Pat Doe and her husband, Sam Roe¹, that the trial court abused its discretion by not awarding them reasonable counsel fees or adequately explaining the basis for its declination of their request to do so.

¹ Pat Doe’s husband is not party to the protection order issued in favor of Doe, but is an Appellee in the consolidated cases wherein the Appellant Tidwell unsuccessfully sought protection orders against Pat Doe and him. Counsel will refer to him as “Sam Roe” in order to avoid identifying Doe. When counsel is referring to Doe and Roe as a couple, counsel will use “Does” in the plural.

I. STATEMENT OF FACTS AND PROCEDURAL HISTORY.

A. Facts.

Sam Roe ("Roe"), 79-years-old, has lived at [REDACTED], York, Maine since 1984. Trial Transcript ("Tr.") p. 35, p. 97, l. 13–14. At its terminus distal to Roe's home, [REDACTED] intersects with Godfrey Pond Road, a private road leaving to Godfrey Cove and the home of Tidwell. Roe has travelled Godfrey Pond Road to access the pebbly beach² since 1984. Tr. p. 97. He has done so more days than not since that time, whether by passenger motor vehicle, all-terrain vehicle ("ATV"), or walking, often with his dogs, and frequently more than once in the same day. *Id.* For him, this is a ritual.

Pat Doe ("Doe"), in her mid-sixties, has lived there with Roe since 2000, and has been married to Roe since 2011. Doe has also traversed Godfrey Pond Road by motor vehicle, ATV, or on foot to access the pebbly beach since 2000. Tr. p. 35. Her accessing of the pebbly beach at Godfrey Cove, like Roe, has been nearly every day.

² "Pebbly beach" is something of a misnomer, as the beach consists of wave-action rounded aggregate varying in size from golf ball size to softball size, or larger. "Pebbly beach" is how the subject area of land was historically referred to in the parties' chains of title.

Each of the Does has asserted, to Tidwell and others, that their right to access the pebbly beach at Godfrey Cove is by virtue of their deed, and by their longstanding practice of forty years' duration. **Tr. p. 86–87, 89.** Apart from exercising pedestrian access over Godfrey Pond Road to get to the pebbly beach, Doe has ridden horses and snowmobiles over the road to the beach.

Tidwell moved to York in 2023, purchasing twenty-three acres along Godfrey Pond Road and the pebbly beach at the terminus of that road. Posing herself as an environmentalist, she immediately engaged excavation crews to demolish and reconstruct her overlooking home and undertook to perform remediation work compelled by the Town of York after her excavation contractor worked on and in the proximity of the pebbly beach with heavy-gauge construction machines. **Tr. p. 77–79.** This work was done pursuant to an emergency “Permit by Rule”. **Tr. p. 80.** None of that work was necessitated by acts of the Does. **Tr. p. 79.**

On acquiring her property at the terminus of Godfrey Pond Road, Tidwell also tried to organize a road association to be controlled by her as President, charging money for a membership that would be funded by donations made or fees paid to the Association. Tidwell claims to have

expended tens of thousands of dollars over the last year to repair the road over which she and others travel to reach her home or the pebbly beach. **Defendants’ Trial Exhibit 23³ (Monaco) at 03:48; App. 98.** Neither the Does nor any other invitees took up Tidwell’s offer to join her road association. **Defs.’ Ex. 23 (Monaco) at *Id.*** Nor did the Does experience any other serious issues with their prior owners and neighbors over the use of Godfrey Pond Road until Tidwell’s arrival in 2023. **Roe testimony, Tr. p. 100.**

Shortly after acquiring the 23-acre oceanside parcel upon which she constructed her home, Tidwell initiated assiduous efforts to terminate the Does’ (and others’) use of Godfrey Pond Road and the pebbly beach at its terminus. These efforts included installation of a series of small boulders (referred to as a “barb”) across the terminus of Godfrey Pond Road at the back edge of the pebbly beach. **Tr. p. 52–53; Defendants’ Trial Exhibit 18 (“Defs.’ Ex. 18”); App. 96.** Tidwell posted “no trespassing” signs along and

³ Defendants’ Exhibit 23 submitted at the 3/2/2026 consolidated trial of these cases is comprised of two separate video (MP4) files provided by the York Police Department. The first is Watchguard (patrol unit camera) footage associated with Officer Martin Monaco’s 9/1/2025 interaction with Tidwell and is 20:10 in length. The second is Watchguard footage associated with Officer Kevin Marrie’s 10/5/2025 interaction with Tidwell and is 18:32 in length. Hereinafter, this exhibit will be referred to as “Defs.’ Ex. 23 (Monaco) at [timestamp]” or “Defs.’ Ex. 23 (Marrie) at [timestamp]”.

at the terminus of Godfrey Pond Road. **Defs.’ Ex. 23 (Monaco) at 03:40; App. 98.** She also made numerous calls to the York Police Department (“the YPD”), attempting to solicit their assistance in excluding her neighbors from their continued access to the pebbly beach via Godfrey Pond Road. *Id.*

Her third call to the YPD on September 1, 2025 (“the first incident”) set into motion the events giving rise to the cases before this Court. Responding to Tidwell’s complaint as to the Does again travelling across Godfrey Pond Road and onto the pebbly beach, she portrayed herself to the responding officer, Martin Monaco, as a victim, an elderly female, isolated and afraid, put upon by her neighbors who refused to join the road association and contribute to the thousands of dollars in road upgrades but nonetheless used it. **Defs.’ Ex. 23 (Monaco) at 14:30, 15:38; App. 98.** Her account to Officer Monaco was rife with hyperbole and exaggeration. She made foundational statements germane to later utterances, characterizing the moving of the boulders (referred to above as a “barb” sufficiently to reestablish vehicular passage as “violence”, or a “violent act” against her. **Defs.’ Ex. 23 (Monaco) at 11:30, 14:40; App. 98.** Ultimately, when she did not hear what she wanted from Officer Monaco, she made a series of statements deeply concerning to Officer Monaco, including:

"You know, do you want me to get a gun?"
"Do you want me to start firing at them?"
"So what am I going to do to protect myself?"
"I'm going to get a gun."
"I'm going to get a gun to protect myself and my home."
"I'm not threatening *you*." (emphasis supplied)

Defs.' Ex. 23 (Monaco) at 17:58 – 18:35; App. 98.

Notably, she exhorted Officer Monaco repeatedly to go talk to the Does. **Defs.' Ex. 23 (Monaco) at 15:10; App. 98.**⁴

The "second incident" occurred on October 2, 2025. Traveling to the pebbly beach in her passenger vehicle, Doe encountered a newly installed split rail fence blocking her (vehicular) access to the pebbly beach.⁵ The fence had loosely installed components, which she disassembled just enough to allow her vehicle to pass. She laid the rails and posts by the roadbed in a fashion that they could be reutilized. **Tr. p. 37 – 38.** As she began to move her vehicle forward, she was accosted by Tidwell. She heard

⁴ Tidwell's remarks were deeply concerning to Officer Monaco, and he stated so to Tidwell. From this exchange, it is plain that Officer Monaco thought Tidwell may have been threatening him; her response was that she was not threatening him, leaving the inference open that such threat was directed at others (the Does) instead. **Defs.' Ex. 23 (Monaco) at 18:30.**

It is inconceivable that he would not share the substance of such remarks with the Does, insofar as, were she to utilize a firearm against them, and he not have alerted them to her expressed mindset, he would likely feel (and potentially be partially) responsible. In fact, Officer Monaco did share Tidwell's remarks with the Does on September 3rd. **Tr. p. 40 – 41.**

⁵ Doe has orthopedic limitations arising from a horseback injury for which she has had several surgeries, and so has generally driven Godfrey Pond Road to access the pebbly beach. **Tr. p. 37.**

Tidwell yelling, “I have a gun!” She also heard projectiles, what she believed to be rocks, ricocheting off her car. **Tr. p. 38, 45; Defendants’ Trial Exhibit 15 (“Defs.’ Ex. 15”); App. 95.** Doe maneuvered her vehicle quickly, trying to depart the scene, frightened because of Tidwell’s yelling about having “a gun”. Doing so, she damaged her car. **Tr. p. 40; Defs.’ Ex. 15; App. 95.** Going directly to her insurance agent, she observed that, after their confrontation on Godfrey Pond Road, Tidwell had followed her to the insurance office. **Tr. p. 40, 41.**

The “third incident” occurred when Tidwell called YPD for the sixth time on October 5, 2025. Responding to Tidwell’s call to the Police Department, Officer Kevin Marrie interviewed her in her home about the events pertaining to the disassembling and reassembling of the barricade fence. **Defs.’ Ex. 23 (Marrie) at 06:20–09:10; App. 98.** The discussion proceeded as it had five weeks earlier with Officer Monaco. Tidwell again expressed anger and frustration with the YPD, that she was experiencing extreme distress over the Does’ “breaking”, “tearing down”, or “busting through” her fence, and the police “doing nothing to protect” her, further claiming Doe “almost running [her] over”. *Id.*; **(compare with Defs.’ Ex. 15; App. 95).**

Tidwell repeatedly asserted to Officer Marrie that she knew (and that the Does knew) that the YPD was “not going to do anything”. **Defs.’ Ex. 23 (Marrie) at 10:05, 10:58, 12:20; App. 98.** She continued to demand the Does’ immediate arrests. **Defs.’ Ex. 23 (Marrie) at 10:15, 10:50, 11:02, 13:30, 15:20; App. 98.** Officer Marrie made concerted efforts to develop a more accurate understanding of the factual circumstances surrounding Tidwell’s claims. Yet, when her efforts to manipulate Officer Marrie were unavailing, Tidwell again quickly emotionally escalated, coming to exclaim:

“I am going to get a shotgun. I am going to blast them if you guys aren’t going to do anything.”

“[Do y]ou know what position that puts me in?”

“Infuriated.”

Defs.’ Ex. 23 (Marrie) at 12:00 – 14:00; App. 98.

The conversation continued in that ominous vein as Officer Marrie expressed his concern with the substance of her statements, stating “that would not be defending your property; that would be murdering them.” She replied, “yeah, so it’s already my fault”, “York Police is not doing its job. I don’t have any options here.” **Defs.’ Ex. 23 (Marrie) at 14:15 – 14:50; App. 98.**

B. Procedural History.

Following these incidents and Officer Marrie's meeting with the Does as urged by Tidwell (advising the Does as to Tidwell's statements) on October 10, 2025, Doe initiated against Tidwell a Complaint for Protection from Harassment under Title 5 M.R.S. § 4651. For her part, Tidwell initiated such a Complaint against each of the Does the same day. On the Does' Motion, no opposition being filed by Tidwell, these cases were consolidated for hearing. **App. 6.**

Tidwell's Complaint failing to articulate a claim for which she was entitled to relief under Title 5 M.R.S. § 4655, the Does also brought a Motion to Dismiss under M.R.Civ.P. 12(b)(6), and in the alternative, for Judgment on the Pleadings pursuant to Rule 12(c), and in the further alternative, as a matter of law under Rule 50(d). Although the cases were scheduled for hearing on various occasions before coming on for final hearing (with Tidwell's Motion for Contempt) on March 2, 2026, on each occasion the Trial Court declined to hear argument on the Does' Motion. Each time the parties' counsel engaged with the trial court preparatory to final hearing, counsel were advised that an aggregate of two hours would be afforded for final hearing.

Following a hearing wherein the two York Police Department Officers Monaco and Marrie testified (and their respective interviews with Tidwell were introduced into evidence) and the parties each testified and were subject to cross-examination, the trial court issued its rulings, granting Doe a protective order based upon a finding that Tidwell had harassed Doe as a result of a single act or course of conduct constituting a violation of Title 17-A M.R.S. § 210 (Terrorizing). The trial court also entered judgment against Tidwell on each of her Complaints. In her remarks from the bench explaining her decisions⁶, the trial court also ordered each party to bear their own attorney's fees and costs.

Tidwell filed a Notice of Appeal the very next day, whereupon the Does filed a cross-appeal from the peremptory preclusion of their counsel fee request. **Tr. p. 101; App. 31.**

⁶ Made after the trial court's regular hours had closed, as the hearing had run over. **Tr. p. 101; App. 101.**

II. STATEMENT OF ISSUES PRESENTED FOR APPEAL.

1. Did the trial court correctly decide that Pat Doe was harassed by Tidwell?

2. Did the trial court correctly decide that determination of real property title interests was not necessary to a determination as to whether Tidwell harassed Doe?

3. Did the trial court correctly afford Tidwell notice and opportunity to be heard at a reasonable time and in a reasonable manner while managing its trial docket in an efficient manner?

4. Did the trial court correctly determine that Tidwell failed to prove that the Does, or either of them, committed criminal mischief so as to support a protection order in favor of Tidwell?

5. Did the trial court abuse its discretion by peremptorily denying Doe and Roe an award of reasonable attorney's fees when they prevailed at trial on all three actions against Tidwell?

III. STATEMENT OF JURISDICTION.

The District Court's jurisdiction over this matter is based on Title 4 M.R.S. §4652.

IV. ARGUMENT.

A. The trial court correctly determined that Doe proved harassment by Tidwell.

1. Standard of review.

In evaluating Tidwell's claim of insufficiency of the evidence to support a judgment, this Court will view the evidence and reasonable inferences therefrom that may be drawn from the evidence from the perspective most favorable to the trial court's judgment. *Sloan v. Christianson*, 2012 ME 72, ¶ 25, 43 A.3d 978, 983-84; *Cates v. Donahue*, 2007 ME 38, ¶ 9, 916 A.2d 941, 943. The applicable standard of review therefore is clear error. *Id.*

Accordingly, this Court will limit its review of factual findings to an investigation of the record to determine whether competent evidence exists, including reasonable inferences drawn from circumstantial evidence, to support the trial court's factual conclusions. *Smith v. Hawthorne*, 2002 ME 149, ¶ 15, 804 A.2d 1133. "The 'clearly erroneous' standard is not merely based on the trial court's ability to judge the demeanor and credibility of lay witnesses, but also on a recognition of the trial court's particular expertise in fact finding and its proper institutional

role.” *Id.*, quoting *Casco Northern Bank v. JBI Assoc., Ltd.*, 667 A.2d 856, 859 (Me. 1995). The *Smith* opinion noted that the deferential standard of “clear error” is particularly appropriate in the context of an action for protection from abuse. The court’s observations pertain with equal force to the context of protection from harassment, where the trial court’s “ability to observe the witnesses invariably plays a part in its assessment of the impact a particular person’s words and actions had upon another person appellate review is naturally limited by the written record’s inability to fully convey each witness’s appearance, body language, stature, speech patterns, degree of eye contact and numerous other non-verbal queues.” *Id.* See also, *Allen v. Rae*, 2019 ME 53, ¶ 9, 206 A.3d 902, 904-05. This Court should vacate the trial court’s judgment only if “no competent evidence exists in the record to support it”. *Sloan*, 2012 ME 72 at ¶ 25.

2. Distillation of Tidwell’s argument.

In this case, Tidwell challenges the trial court’s award of a remedy to Doe under the protection from harassment statute as a violation of the First

Amendment.⁷ Tidwell argues that the trial court did not explicitly find the required *mens rea* element constituting an act of terrorizing that is the basis of a finding that Tidwell harassed Doe as defined under Title 5 M.R.S. § 4651(2)(C).⁸ “Terrorizing” is among the acts or courses of action satisfying a defining event of harassment. In Maine, “terrorizing” itself is defined thus:

§210. Terrorizing

1. A person is guilty of terrorizing if that person....recklessly communicates to any person a threat to commit or to cause to be committed a crime of violence dangerous to human life, against the person to whom the communication is made or

⁷ **Constitution of the United States.
Amendment I (1791).**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. Const. Amend. I.

**Constitution of the State of Maine.
Article I.
Declaration of Rights.**

....

Section 6-A. Discrimination against persons prohibited. No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of that person's civil rights or be discriminated against in the exercise thereof.

Me. Const. Art. I, § 6-A.

⁸ The criminal act component of the definition of harassment provides:
§4651. Definitions

....

2. Harassment. "Harassment" means:

C. A single act or course of conduct constituting a violation of section 4681; or Title 17-A, section 210.

....

Title 5 M.R.S. § 4651.

another, consciously disregarding a substantial risk that the natural and probable consequence of such a threat, whether or not such consequence in fact occurs, is:

A. To place the person to whom the threat is communicated or the person threatened in reasonable fear that the crime will be committed. Violation of this paragraph is a Class D crime;

....

Title 17-A M.R.S. § 210.

Citing to Justice Kagan’s well-reasoned and clearly articulated opinion rendered in *Counterman v. Colorado*, 600 U.S. 66, 143 S.Ct. 2106, 216 L.Ed.2d 775 (2023) that provoked a Maine statutory amendment, Tidwell argues that Doe failed to prove that Tidwell consciously disregarded a substantial risk that her statements, communicated to Doe, would put Doe in reasonable fear for her safety. Tidwell’s Brief dilutes the issue by oversimplification — phrasing it as merely whether a statement made to law enforcement during a request for police assistance can, without more, satisfy the *mens rea* element of recklessness — “conscious disregard of a substantial risk” that the natural and probable consequence of the speaker’s remarks is to put the victim in reasonable fear for her safety.

At bottom, Tidwell asserts that the trial court did not make, and could not have made, any factual finding as to that element, and that by

doing so, implicitly impaired Tidwell's right of free speech. Tidwell's argument fails for the reasons that follow.

(i) Mens rea: Recklessness.

In *Counterman*, Justice Kagan underscored that First Amendment analysis is not as rigorously applied in the "true threats" context as, for example, in the defamation or incitement contexts. The current articulation of Maine's terrorizing statute is fully imbued with the principle announced in *Counterman*.

Mens rea is a culpable state of mind. In Maine, culpable states of mind are defined in a tier of four states, the one relevant to these proceedings being defined in Title 17-A M.R.S. § 35 as follows:

§35. Definitions of culpable states of mind.

....

3. "Recklessly."

A. A person acts recklessly with respect to a result of the person's conduct when the person consciously disregards a risk that the person's conduct will cause such a result.

B. A person acts recklessly with respect to attendant circumstances when the person consciously disregards a risk that such circumstances exist.

C. For purposes of this subsection, the disregard of the risk, when viewed in light of the nature and purpose of the person's conduct and the circumstances known to the person, must involve a gross deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation.

Title 17-A M.R.S. § 35.

Mens rea, and the specific culpable state of mind — here, recklessness — is seldom shown by direct evidence. This is especially so as it requires a subjective awareness of a risk. *State v. Cummings*, 2017 ME 143, ¶ 18, 166 A.3d 996, 1000 (inferring intent or knowledge of defendant in murder context). Rather, as with other culpable states of mind, it may be inferred by the trial court from circumstantial evidence received by it. *Id.* at ¶ 20; *Smith v. Hawthorne*, 2002 ME 149, ¶ 17, 804 A.2d 1133, 1139 (reasonable inferences drawn from circumstantial evidence that victim was put in fear); *State v. Barry*, 495 A.2d 825, 826 (Me. 1985) (defendant’s consciousness of guilt in the context of arson).⁹

⁹ Tidwell submits three cases from the State of Georgia which she asserts involve a Georgia terrorizing statute (in Georgia, phrased as the offense of a “terroristic threat”) claimed to be similar in substance to Maine’s terrorizing statute. These cases are unhelpful to this Court’s analysis. First of all, each of the cases pre-dates *Counterman*, and therefore do not apply its principles in the entirety. Second, and more to the point, Georgia’s statute is different than Maine’s given the clause in Maine “communicates to any person a threat to commit or cause to be committed a crime of violence dangerous to human life against the person to whom the communication is made or another....”. Title 17-A M.R.S. § 210 (emphasis supplied). This is a material difference in the two statutes, and was the basis for each of the outcomes in the Georgia cases because in each of those cases there was no evidence to support any inference that the defendant intended or expected the defendant’s offending statement to be communicated to the victim. See *Stephens v. State*, 271 Ga. App. 509, 610 S.E.2d 143, 144 (2005); *Sidner v. State*, 304 Ga. App. 373, 696 S.E.2d 398, 400 (2010); and *Steplight v. State*, 800 S.E.2d 548, 551 (Ga. 2017). See also, *Armour v. State*, 265 Ga. App. 569, 571 (1), 594 S.E.2d 765 (2004).

(ii) The trial court's reasonable inferences.

The police videos received into evidence by the trial court are useful for the clarity with which they convey Tidwell's escalating, emotionally manipulative, and dangerous mindset. From the officers' Watchguard recordings of their respective interviews of Tidwell, the trial court was able to directly hear the exact words Tidwell employed, appreciate the whole contexts in which they were spoken, and observe the vocal manner and body language Tidwell projected. **Defs.' Ex. 23; App. 98.** Most notably, Tidwell repeatedly insisted to both officers that they arrest and jail the Does, and "talk to them", the latter point important, because Tidwell knew, or had reason to know (and one must reasonably conclude), that the officers would advise the Does of the substance, tenor and fervor of Tidwell's statements.

While most reasonable persons remain vigilant, guarded or measured in communications with law enforcement personnel, Tidwell was so consumed by her singular objective of terminating by any means her perceived transgressions by the Does upon Godfrey Pond Road and the pebbly beach that she steadfastly refused to heed both Officers Monaco's and Marrie's repeated admonitions as to the substance and import of the

words she employed. Rather than reflecting upon those words and their import responsively to the officers' cautions, she doubled down on her threats to obtain and use the means to forcibly terminate the Does' lawful actions, stating "I don't have any options, here." **Defs.' Ex. 23 (Marrie) at 14:48; App. 98.**

Moreover, when offered an opportunity at trial to mollify or distance herself from the intensity and clear purport of her remarks, whether made to the officers or to Doe directly, Tidwell declined to do so. **Tr. p. 81–83.** The trial court could reasonably infer that Tidwell knew that if the YPD could not rightfully arrest the Does for lawfully accessing the pebbly beach over Godfrey Pond Road, the police would share with the Does Tidwell's ardently professed threats to obtain and use a firearm so as to dissuade the Does from further travel over Godfrey Pond Road to the pebbly beach. Supporting such an inference, Tidwell herself claimed to the police that the Does knew and had stated to her that the YPD would and could do nothing to stop them. **Defs.' Ex. 23 (Marrie) at 10:05, 10:58, 12:20.** This was a transparent attempt to use the police officers to instill fear in the Does that

if they attempted to go to the pebbly beach, she would accost them with a gun and use it.¹⁰

The Watchguard videos by the officers were also telling in revealing Doe's subjective fear, as rocks were being thrown at and striking her vehicle, on hearing Tidwell's yelling "I have a gun!" **Tr. p. 38, l. 7—p. 39, l. 10.** Both the escalating nature of Tidwell's anger and her display of physical aggression toward Doe and Doe's car support the trial court's conclusion that Doe's fear of bodily injury was, under all the circumstances, reasonable and a product of Tidwell's conscious disregard of the probable consequences of her actions and words. *Smith*, 2002 ME 149 at ¶ 18. In sum, the trial court properly drew reasonable inferences as to Tidwell's culpable state of mind satisfying her subjective awareness of the risk her statements involved.

¹⁰ Since her arrival in York, Tidwell had employed previous means of caustic letters, creating the phony road association imposing exorbitant road maintenance fees, self-help in the form of barbs and a barricade fence, direct police involvement to bring the criminal process to bear against the Does, and finally manipulating the police to communicate her remarks about acquiring and using a gun against the Does. "I'm going to get a shotgun. I am going to blast them...." **Defs.' Ex. 23 (Marrie) at 12:02; App. 98.**

3. Tidwell's acts were not protected by law.

Tidwell next seeks relief from the trial court's judgments against her through reliance on Title 5 M.R.S. § 4651(2), which provides, in pertinent part:

"This definition [of harassment] does not include any act protected by law."

She then justifies her statements and conduct by characterizing the Does' acts as "criminal trespass". Tidwell knew, however, that the Does' traversals of Godfrey Pond Road and the pebbly beach were decades-longstanding, and not criminal in their character, irrespective of how unwelcome or irritating they may have been. The proper case precedents of this Court and principles for analysis of this issue are the very cases cited in Tidwell's Brief on Appeal.

In *Patane v. Brown*, 2002 ME 47, 792 A.2d 1086, the defendant Brown was found to have cut a rose bush on land claimed by Brown in the immediate proximity of the plaintiff Patane's home. During the course of Patane's attempted intervention with Brown, she fell, whereupon Brown leaned over her "with threatening body language," mocking her with spoken language and laughter. This Court affirmed the trial court's

conclusion that Brown's actions constituted harassment notwithstanding that the individual aspects of his behavior were lawful. Rather, it was "his manner toward Patane at the time and immediately after he cut the bush" that constituted criminal threatening undergirding the trial court's finding of harassment. *Patane*, 2002 ME 47, ¶ 10, 792 A.2d 1086, 1089. Thus, even when an individual has a legal right to do something, *the manner* in which a legal act is performed can constitute harassment. See also, *Cates v. Donahue*, 2007 ME 38, ¶ 11, 916 A.2d 941, 944, citing *Patane*.

The Law Court again applied that principle in *Allen v. Rae*, 2019 ME 53, 206 A.3d 902. There, the defendant Rae had attempted to remove a boat from a disputed strip of land, damaging the trailer on which it sat. This Court sustained the trial court's conclusion that it was *the manner* in which Rae had attempted to (otherwise lawfully) remove Allen's boat from the disputed property that constituted harassment (based on a finding of criminal mischief) (17-A M.R.S. § 806(1)(A)).

So too, here. Tidwell was not justified in her actions (throwing rocks) or statements ("I've got a gun"; "I'm going to get a shotgun. I am going to blast them....") in attempting to terminate what she (wrongly) views as

either criminal trespass or criminal mischief, neither one of which was found by the trial court to have occurred.

As to the rock throwing, the trial court explicitly stated that she believed Doe to be credible in her account of the October 2 incident, and Tidwell less credible. Doe could not see projectiles striking her vehicles, but could hear them, and could hear Tidwell's contemporaneous yelling about "hav[ing] a gun". **Defs.' Ex. 15; App. 95; Tr. p. 38–39.** Taken together, these events plainly explain Doe's reasonable fear. Although Tidwell denied throwing rocks, **Tr. p. 64**, the trial court was not bound to accept her testimony and evidence as fact. *Doe v. Plourde*, 2019 ME 109, ¶ 8, 211 A.3d 1153, 1156. Given the applicable clear error standard pertaining, this Court should not second-guess the trial court's assessment of credibility, especially given the buttressing effect of the video of the event contained in **Defs.' Ex. 15; App. 95. *Id.***¹¹

¹¹ Repeatedly referencing the Does as having threatened her (**Defs.' Ex. 23 (Monaco) at 16:20; App. 98**) "violently tossing [her] landscaping boulders [from the barb] into the pond" (*Id.* at 14:45), tearing down or busting through her fence (Complaints **App. 50, 60–61**), claiming to have been harassed by the Does "in" her home "attacking [her] all the time...." (**Defs.' Ex. 23 (Marrie) at 11:50–12:15**), to say nothing of the balance of her performance before Officers Monaco and Marrie, is exactly the type of hyperbole that the trial court rejected and resulted in the trial court's observation of Tidwell's credibility being less than that of Doe. **Tr. p. 104, l. 3–12; App. 34.**

4. Conditionality does not protect Tidwell's statements in the context of her contemporaneous actions.

Tidwell's offending threats were not truly conditional and must not be viewed as such. There was not a truly viable conditionality to her remarks because it was known by her, the Does, and the police that the Does were not going to be arrested by the YPD. Officer Marrie made that clear. **Defs.' Ex. 23 (Marrie) at 10:50, 13:30; App. 98.** This is because they had not committed any crime, as they had an easement interest in the disputed area by deed, implication, plan and/or prescription.

B. The trial court correctly decided that determination of real property title interests was not a prerequisite to determining whether harassment occurred.

Tidwell next claims a due process violation on account of the trial court's declining to make property rights determinations, or allow inquiry into property rights. The trial court acted rightly in limiting the evidentiary presentations as to testimony and documentation that bore directly on whether harassment occurred. This Court need not go down the invited rabbit hole urged by Tidwell, especially in light of this Court's prior pronouncements on this issue in both *Patane* and *Allen, supra*, which each dealt with this issue directly.

The trial court's order here, as in *Patane*, does not affect title to real estate, and therefore does not offend Title 5 M.R.S. § 4655(4). In *Patane*, this Court explicitly stated that that section does not prohibit a court from entertaining a complaint for protection from harassment merely because of a dispute pertaining to property rights. *Patane*, 2002 ME 47, ¶ 9, 792 A.2d 1086, 1089.

Similarly, this Court rejected defendant Rae's attempt to inject property ownership into the harassment analysis in *Allen*, 2019 ME 53, ¶ 11, fn. 3, 4, 206 A.3d 902, 905 ("regardless of whether [defendant] had a valid property interest in the disputed strip of land...."). This approach is eminently sensible. District courts have neither the judicial, clerical, security, time or other resources to allow protection from harassment actions to morph into full-blown real property title actions, with the potential for expert witnesses such as surveyors, title abstractors and title attorneys testifying, all as a prerequisite to deciding alleged harassment claims. The trial court decided rightly to manage the trial parameters to

relegate title issues to where they belong, and are currently pending, in the Superior Court.¹²

There was no witness other than Tidwell herself available to discuss her property rights, and she is certainly no expert, nor did she make any offer of proof of property rights evidence. *Nou v. Huot*, 2025 ME 44, ¶¶ 31, fn. 8, 40 (“when an unpreserved error is asserted to implicate constitutional rights, the error may be regarded as ‘obvious’ if it worked substantial injustice or affected the appellant’s substantial rights.” (citations omitted)). Here, there is no obvious error, nor substantial injustice, as this Court has already opined on the necessity, or not, of real property rights determinations in the protection from harassment context. See *Patane* and *Allen*, *supra*.

The Does did come armed with a title abstractor witness. However, they elected not to elicit testimony from that potential witness due to the trial court’s confining of scope and time parameters for trial. The Does accepted the reasonable parameters outlined to the parties for their

¹² See *Tidwell v. Does*, York County Superior Court Docket No. ALFSC-CV-2026-00011. If Tidwell thought that it was incumbent on the trial court to determine title interests in connection with her harassment claims, she could have brought a motion *in limine* to the trial court’s attention, especially given the Does raising the point that such issues belonged in the proper venue, the Superior Court, not the District Court. **App. 70, 73.** Tidwell brought no motion *in limine*.

respective prosecution and defense of the harassment claims. For her part, however, Tidwell did not object at trial to the trial court's action, and accordingly, the issue is not preserved. *Smith v. Hawthorne*, 2002 ME 149, ¶ 22, 804 A.2d 1133, 1140 (failure to raise issue in the trial court fails to preserve the issue on appeal); *Doe v. Tierney*, 2018 ME 101, ¶ 18, 189 A.3d 756, 761 (failure to object at hearing to scope of evidence).

C. The trial court correctly balanced administration of the trial with extending to Tidwell notice and opportunity to be heard at a reasonable time and in a reasonable manner.

1. Standard of review.

Tidwell then raises yet another due process claim to the effect that the trial court erred by imposing a two-hour time limit on the hearing. Tidwell correctly identifies abuse of discretion as the applicable standard of review as to the trial court's decision on setting the time parameters for trial. *Doe v. Plourde*, 2019 ME 109, ¶¶ 5, 7, 211 A.3d 1153, 1155-56. Tidwell also correctly identifies the salient cases upon which this Court should rely in reviewing this issue. But first, to the extent Tidwell claims that the complexity of this case, with the title issue she wished to inject (but came unprepared to do so), the Does note that Tidwell failed to object to the trial court's consolidation of all three cases for trial. **App. 6.** Tidwell had four months

after the consolidation order to either seek vacation of that order, or prepare for a more efficient trial preparation within the trial court's reasonable time parameters. A review of the docket sheet and trial transcript reveals that she did neither.

Moreover, while Tidwell asserts that the trial was limited to two hours, this is flatly inaccurate. As the trial transcript reveals, the cases came on for consolidated hearing at 1:06 p.m., **Tr. p. 4**. The trial court took evidence for the next three hours, recessing at 4:05 p.m. for a further fourteen minutes before announcing its decision(s) and the findings supporting them. **App. 101**. The cases effectively took up the trial court's entire afternoon docket, and well beyond the allotted time announced well in advance to the parties and their counsel.

As to the cases proffered by Tidwell to support the false notion she was deprived of due process, the guiding principle is this Court's oft-noted tenet that the trial court has discretion to reasonably manage time during evidentiary hearings. *Bank of America, N.A. v. Camire*, 2017 ME 20, ¶ 8, 155 A.3d 416, 419; *Dolliver v. Dolliver*, 2001 ME 144, ¶ 10, 782 A.2d 316, 318-19 ("A trial court has broad discretion to control the order and timing of presentation of evidence and to set and enforce reasonable time limits on

testimonial hearings.”); see also, *Bradford v. Dumond*, 675 A.2d 957, 963 (Me. 1996). This accords with M.R.E. 611(a).¹³

In *Bank of America*, the trial was contained within a like timeframe as this action. As in that action, Tidwell was extended the opportunity to testify herself, to cross-examine all the Does’ witnesses, and even to undertake direct examination of Roe. An examination of the trial transcript reveals that she frittered away available time (a) pursuing prohibited hearsay testimony, **Tr. p. 55, 56, 61, 62, 68, 72**; (b) testimony pertaining to unrelated subsequent encounters between Tidwell’s relatives and the Does, **Tr. p. 30–32**; (c) an anemic harassment allegation involving a Facebook post, **Tr. p. 47, 78**; (d) discussion of the ecology of her property, **Tr. p. 51–53, 57**; and (e) poor preparation in selection and preparation of her trial exhibits. As in *Bank of America*, Tidwell (and the Does) were repeatedly reminded to observe time limits and question efficiently. **Tr. p. 5, 13, 14, 32–34, 49, 68, 75**. At the conclusion of the trial, Tidwell’s counsel

¹³ **Rule 611. Mode and Order of Examining Witnesses and Presenting Evidence**

(a) Control by the court; purposes. The court must exercise reasonable control over the mode and order of examining witnesses and presenting evidence so as to:

- (1) Make those procedures effective for determining the truth;
- (2) Avoid wasting time; and
- (3) Protect witnesses from harassment or undue embarrassment.

M.R.E. 611(a).

concluded her examination of Roe of her own volition, both as to direct and redirect, without the trial court intervening to terminate her inquiry. Tidwell had all the time she needed or was entitled to prosecute her claims, or defend against Doe's.

Due process requires that “notice and opportunity for a hearing must be granted at a meaningful time in a meaningful manner, and not necessarily an optimal opportunity”. *Id.* Tidwell did not object to the time constraints at trial, nor make any offer of proof as to what evidence she was thus precluded from offering. Thus, no due process violation follows. *Nou v. Huot*, 2025 ME 44, ¶¶ 40, 41, 335 A.3d 603, 615. In *Capelety v. Estes*, 2023 ME 50, 300 A.3d 817, the plaintiff made certain choices as to allocation of time among an array of favorable and adverse witnesses within the trial court's clearly announced time constraints. Likewise, Tidwell had ample opportunity to elect among her preferences as to allocating available time on cross-examination of Officers Monaco and Marrie, or the Does, or direct examination of herself (and any other witness). She cannot now complain of ill treatment by the trial court amounting to a due process violation when the gravamen of her complaint is the product of her own choices.

D. The trial court correctly determined that Tidwell failed to prove that the Does, or either of them, committed criminal mischief so as to support issuance of a protection from harassment order in favor of Tidwell.

1. Standard of review.

Tidwell's sole challenge to the trial court's denial of relief on her complaints for protection from harassment was the trial court's refusal to find that the Does, or either of them, had committed criminal mischief under the "tampering" prong of the criminal mischief statute, Title 17-A M.R.S. § 806(1)(A). That statute provides:

§806. Criminal mischief.

1. A person is guilty of criminal mischief if that person intentionally, knowingly or recklessly:

A. tampers with the property of another, having no reasonable grounds to believe that the person has the right to do so, and thereby impairs the use of that property;

....

Title 17-A M.R.S. § 806(1)(A).

The facts adduced at trial confirmed that no destruction or damage was done to the fence components. Officer Marrie testified that on observing the condition of the fence on October 5, 2025: "It didn't look to be damaged. It looked to be disassembled." Tr. p. 27, l. 19–25, p. 28, l. 1–3; Defs.' Ex. 23 (Marrie); App. 98. Doe testified likewise, concurring that

care had been taken to disassemble the fence in a fashion that it could be reutilized. Tr. p. 39, l. 11–13, p. 60, l. 12–15. Doe took care to only exercise such self-help as to the fence as was reasonably necessary to allow her passage through to the pebbly beach consistently with her decades-long practice, laying the components to the side of the road. *Id.* In fact, Tidwell admitted that the fence was reassembled using the same components. Tr. p. 77, l. 13–15.

Tidwell offers the opinion in *State v. Jacques*, 537 A.2d 587 (Me. 1988) to suggest that Doe’s action met the tampering prong of the criminal mischief statute. *Jacques* is readily distinguishable because the defendant’s action there, committed during the course of a nighttime burglary of a residence, involved removing (and retaining) telephone cords, thereby rendering the remaining telephone components useless. Doe’s actions did not render the fence or its components useless.

For the same reason, *State v. Essig*, 31 Or. App. 639, 571 P.2d 170 (1977) offered by Tidwell is of no avail here. In that case, it was truck keys that had been removed and withheld by the defendant, impairing their owner’s ability to use the trucks. Tidwell’s immediate reinstallation of the

fence using the very same undamaged components wholly undercuts the notion of tampering having occurred.¹⁴

Moreover, Doe did not lack “reasonable grounds to belief that [she] ha[d] a right to do so....,” as she (and her husband) had exercised a right of passage over that road to the beach for decades, as Tidwell knew. **Defs.’ Ex. 23 (Monaco) at 04:28; App. 98.** Tidwell failed to prove that Doe knew she lacked reasonable grounds to remove the newly erected barrier to her access, or that in acting to remove the fence, Doe damaged or tampered with it. For these reasons, the trial court correctly denied relief to Tidwell on her complaints.

E. The trial court abused its discretion by declining to award the Does attorney’s fees, and by inadequately explaining its reason for doing so.

1. Introduction.

In the filing of their respective pleadings, each of the parties requested an award of attorney’s fees associated with the prosecution of their complaints. The Does reiterated that request in connection with their motion to dismiss, and in the alternative, for judgment on the pleadings or

¹⁴ *Allen v. Rae*, cited *supra*, but not by Tidwell in her brief, also involved criminal mischief, including destruction of the valve stem of the boat trailer, again distinguishable from this case. *Allen*, 2019 ME 53, ¶ 12, 206 A.3d 902, 905.

as a matter of law. No opposition was ever filed by Tidwell to that motion.

App. 5. Throughout the pendency of these proceedings, the Does requested consideration of that motion prior to the onset of trial. Immediately following trial, the trial court stated, “The court further orders that each party bear their own attorney’s fees and costs. I will not entertain any motions for attorney’s fees in terms of frivolous filings. I’m not going to do that.” **Tr. p. 105; App. 35.**

The Does respectfully submit that the trial court abused its discretion in denying them an award of fees on each of the statutory grounds upon which they sought an award, given their prevailing status on all three cases, and that the trial court further erred in peremptorily rejecting any motion from the Does explicating why the trial court should properly exercise its discretion to award fees under the circumstances of these cases.

2. Standard of review.

The standard applicable to the trial court in considering an award of attorney’s fees to a party is “exercise of discretion”, that is, a trial court “may” do so. *Clum v. Graves*, 1999 ME 77, ¶ 17, 729 A.2d 900, 907 (divorce context).

The standard of appellate review of the trial court's exercise of such discretion is "abuse of discretion". *Sands v. Thomas*, 2017 ME 98, ¶ 2, 162 A.3d 226, 227 (landlord/tenant context); *Atkinson v. Capoldo*, 2021 ME 27, ¶ 10, 250 A.3d 1099, 1101 (parental rights context); *Doe v. Costin*, 2025 ME 23, ¶ 14, 331 A.3d 456, 462 (protection from harassment context); *Jefts v. Dennis*, 2007 ME 129, ¶ 9, 931 A.2d 1055, 1057 (same).

This discretionary standard is applied because the trial court is deemed to be in the "best position to observe the unique nature and tenor of the litigation as it relates to a request for attorney's fees." *Sands*, 2017 ME 98, ¶ 2, 162 A.3d 226.

The Does sought an award of attorney's fees as prevailing defendants on Tidwell's claims pursuant to Title 5 M.R.S. § 4655(1-A). Doe also sought an award of attorney's fees as prevailing plaintiff on her own claim against Tidwell pursuant to § 4655(1)(E). Each provision of the statute under which the Does respectively seek attorney's fees relief contains language making very clear the discretionary character of a trial court's determination as to whether to award fees under either provision of the statute. The Does wish to underscore to this Court that that reality is not lost on them. They know further that the trial court *may* consider "all relevant factors that serve to

create an award that is fair and just. *Neri v. Heilig*, 2017 ME 146, ¶ 16, 166 A.3d 1020, 1025; *Jandreau v. LaChance*, 2015 ME 66, ¶ 29, 116 A.3d 1273, 1279.

3. The trial court's duty to explain its rationale.

Nonetheless, the trial court “must provide a concise but clear explanation of its reasons for grant or denial of the fee award.” *Atkinson v. Capoldo*, 2021 ME 27, ¶ 10, 250 A.3d 1099, 1101; *Neri v. Heilig*, 2017 ME 146, ¶ 16, 166 A.3d 1020, 1025, quoting *Hebert v. Hebert*, 475 A.2d 422, 427 n.5 (Me. 1984). By way of example, in *Quirk v. Quirk*, 2020 ME 132, ¶ 23, 241 A.3d 851, 857, the court based its award on litigation behavior involving unreasonable, dilatory and expense-generating discovery tactics, and extraordinary income disparity. In *Neri*, 2017 ME 146, ¶ 16, 166 A.3d 1020, 1025, the basis was superior financial assets and capacity to pay. In *Sands*, 2017 ME 98, ¶ 5, 162 A.3d 266, 227-28, the court relied on its assessment of the degree of success by the party seeking the fee award, distinguishing between fee and non-fee claims.

The Does readily concede that the trial court's explanation for preemptively denying the fee request was “concise”. They respectfully submit, however, that it was not “clear”. A “clear explanation” consistent

with the holdings of *Hebert* and its progeny means an articulation of reasons that are supported by the record so as to inform a party, and this Court, of the basis for the denial (or grant) of relief.

In *Doe v. Costin*, 2025 ME 23, 331 A.3d 456, this Court set out the framework of analysis for review of an abuse of discretion in the context in the award or not of attorney's fees.

Review for an abuse of discretion involves resolution of three questions: (1) are factual findings, if any, supported by the record according to the clear error standard; (2) did the court understand the law applicable to its exercise of discretion; and (3) given all the facts and applying the appropriate law, was the court's weighing of the applicable facts and choices within the bounds of reasonableness.

Id. at ¶ 14, quoting *Haskell v. Haskell*, 2017 ME 91, ¶ 12, 160 A.3d 1176, 1179.

The Does respectfully assert that the trial court did not adhere to this analysis for the reasons that follow.

As to the first factor, the sole reason offered by the trial court for the denial of the Does' request for an award of attorney's fees under either Title 5 M.R.S. §4655(1-A) (wherein Doe was a prevailing plaintiff) and §4655(1)(E) (wherein each of the Does was a prevailing defendant) was that "[t]he court has considered the manner in which the parties have litigated these cases....". The trial court does not provide any further explication of

what it meant by this, but the principal inference to be drawn is that the Does, in some respect, litigated inappropriately.¹⁵ The Does respectfully challenge that conclusion based upon the record.

To obviate duplicative presentation of evidence and the wasting of judicial and party resources, the Does successfully moved to consolidate all these actions. **App. 5.** Tidwell filed no opposition. *Id.* To obviate an unnecessary trial, the Does filed their motion(s) to dismiss months before the trial. **App. 5, 68.** Although the matter did not come on for trial until three months later, Tidwell filed no opposition to those motions. **App. 5.** At no point in the record is it suggested that the Does undertook any offensive or inappropriate litigation tactics, or that they deployed any dilatory tactics. Their trial behavior was not inappropriate or obstructionist, with most objections being sustained, and their evidentiary presentation well-prepared and efficient (no objections being made to their witness examinations), such that they prevailed on all claims. Accordingly, they respectfully submit the actual findings available from the record do not

¹⁵ With respect to the cases in which Tidwell was plaintiff, the trial court found her complaints not frivolous. No explanation was made as to the case in which Doe was plaintiff.

support the denial, but rather support an award, based upon “the manner they litigated the case.”

The second factor under the *Haskell* analysis for review of abuse of discretion is whether the trial court understood the law applicable to the exercise of its discretion as to awarding fees. The Does submit that the trial court knew that it had broad discretion; the trial court explicitly said so. **App. 38.** That discretion, however, is not absolute. While the trial court has discretion to deny or grant fees, from zero to all requested, it does not have the discretion to preclude a well-supported request.¹⁶

The third factor is whether, given the facts as revealed by the record and applying the law, the weighing of facts and choices by the trial court was within the bounds of reasonableness. The Does submit the answer is “No”. Because the trial court did not allow for an articulation of the reasons above-outlined as revealed by the record, its weighing was not within the bounds of reasonableness. Further, the record did not support the drawing

¹⁶ As noted *supra*, the Does timely made their request, and reiterated that request after trial pursuant to their motion made under M.R.Civ.P. 59(e), supporting the same by affidavit. The affidavit attached billing information that, while redacted, made clear the availability of full contents of those invoices for the trial court’s review. **App. 75–85.** *Doe v. Costin*, 2025 ME 23, ¶ 7, n.1, 331 A.3d 456, 460, 463. The pendency of the Superior Court title case weighed against potential revelation of privileged communications within well-detailed invoices.

of an inference that the Does litigated in an inappropriate manner so as to preclude a fee award. They respectfully request that this Court remand this case to the trial court for a proper explication of the reasons for its denial of a fee award to the Does in each case, and in absence of reasons, to reconsider an award in the exercise of its reasonable discretion.¹⁷

V. CONCLUSION AND PRAYER.

The trial court correctly inferred Tidwell's reckless disregard that her alarming words spoken on multiple occasions directly to Pat Doe and two police officers, and coupled with her act of rock-throwing, would cause Pat Doe to experience reasonable fear for her safety. The trial court also correctly found that the Does, or either of them, had not tampered with Tidwell's property in a manner supporting a criminal mischief basis for

¹⁷ While the Protection from Harassment statute, 5 M.R.S. § 4651, *et seq.*, provides a crucial resource for persons afflicted by the wrongful harassing behavior of others, from the perspective of the trenches of district court practice, the statute is abused, thrusting on the courts and litigants an exhausting demand on limited resources. Fee awards, whether to prevailing plaintiffs or prevailing defendants, give individuals appropriate pause, whether in the first instance of directing inappropriate conduct at another person, or plaintiffs responding to conduct that, while unwelcome, is not wrongful. In this case, Leslie Tidwell, a person of significant means and litigation experience, **Defs.' Ex. 23 (Monaco) at 04:28, 05:28, 15:50; Tr. p. 51, l. 21, p. 52, l. 10**, would appropriately be disincentivized from attempting to use lawfare to accomplish her objectives. While not a part of the Appendix, the case record on appeal reveals that Tidwell initiated new protection from harassment complaints against the Does within a week of the trial that resulted in the appeal now before this Court. *See, [Does'] Reply Memorandum, at p. 3, fn. 3*. This Court may take judicial notice of its own docket which reveals that Tidwell failed to prevail in that action as well, appealing the judgment against her to this Court where it is now pending appeal. See YOR-26-280.

issuance of a protection order in favor of Tidwell. The Does respectfully submit that the trial court's only error was peremptorily declining the Does' requests for fee awards associated with their status as prevailing litigants in all three cases, or in adequately explaining, in a clear and specific manner, its denial of their request. They respectfully request that the Law Court affirm the trial court's judgments against Tidwell, remanding to the trial court solely for clear explanation of its reasons for denial, or reconsideration of the Does' requests for fee awards in each case.

CERTIFICATE OF SERVICE

I, Jens-Peter W. Bergen, Esq., Attorney for Appellee Pat Doe, hereby certify that on _____, 2026, I caused two copies of this Appellee's Brief to be delivered in-hand or by first-class U.S. mail, postage prepaid, and by email to the following:

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