

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

LAW COURT DOCKET NO. Cum-25-504

DOUGLAS BEAN
Appellee

v.

ANTHONY J. SINENI III et al.
Appellants

ON APPEAL from the Cumberland County
Superior Court

BRIEF OF APPELLANTS

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STATEMENT OF THE CASE

Default judgment was entered by the Cumberland County Superior Court (MaryGay Kennedy, J.) against the defendants, Attorney Anthony J. Sineni III and his former law office (collectively, Attorney Sineni), on three counts: breach of fiduciary duty; breach of contract; and legal malpractice. Following an evidentiary hearing on the issue of damages, the court (McElwee, J.), entered a judgment in favor of the plaintiff, Mr. Douglas Bean, in the amount of \$1,323,500 plus prejudgment interest and costs. (A12). This appeal from the award of damages follows.

I. Mr. Bean was injured in an automobile collision.

Mr. Bean was injured on October 11, 2010, when a dump-truck driven by an agent of Superior Trucking, LLC (Superior Trucking) crashed into his vehicle. (A13).¹ The dump-truck, which never braked or stopped, hit Mr. Bean's car three times. (A13). Its driver made no attempt to aid Mr. Bean. (A13).

As a result of the collision, Mr. Bean suffered some nature of traumatic brain injury, primarily a concussion; and he developed problems with his neck, spine, shoulder, hip, and left leg. (A14). The concussion resulted in persistent problems with his cognitive recall, speech, vision, headaches, light-sensitivity, memory-loss, and concentration. (A14). For some time after the accident, Mr. Bean was bedridden and immobile. (A14). He

¹ Unless otherwise noted, Attorney Sineni agrees that the trial court's factual findings are supported by record evidence.

continues to suffer from problems with muscle-control and sensation, and he presently walks with a cane. (A14).

At the time of the crash, Mr. Bean was 38 years old; his only child was three years old. (A14). His injuries limited his ability to parent. (A14). At the time of the crash, also, Mr. Bean was a fit and active person who made his living working jobs that required physical activity. (A14). Prior to the accident, Mr. Bean's income was about \$4,000 to \$5,000 a month (net or gross – it is unclear), supplemented by earnings from throwing “rave parties” – although those appear to have been a feature of the 1990s – which yielded between \$25,000 and \$75,000 per party. (1Tr. 110; A14). Because of the injury, Mr. Bean was unable to continue with his previous lines of work. (A14).²

II. Represented by Attorney Sineni, Mr. Bean sued Superior Trucking, LLC.

On September 7, 2016, Attorney Sineni filed a personal-injury claim against Superior Trucking on Mr. Bean's behalf. (A12; A71). However, that case was dismissed (Lance Walker, J.), as a sanction for discovery violations. (A12-A13). Attorney Sineni noticed an appeal of the dismissal, but this Court (Gorman, J.) dismissed the appeal because he failed to timely file a brief. (A13). Attorney Sineni filed a subsequent motion for relief from judgment in the Superior Court, but that was denied, as well. (A15-A16).

² Subsequent to the collision, Mr. Bean sustained a hernia, and he suffered debilitating complications from an unsuccessful surgery to repair it. (A15). Those injuries are not subject to this appeal, given the court's findings that proof of causation was “too attenuated,” and Mr. Bean's decision not to cross-appeal. (A15 n. 5).

Attorney Sineni did not tell Mr. Bean that his lawsuit against Superior Trucking had been dismissed. (A15; 1Tr. 148). Mr. Bean only discovered as much when, in January of 2019, he reviewed his case-file at the courthouse. (1Tr. 148-49). Mr. Bean was “devastated” when he learned the news. (A15). As a result, Mr. Bean experienced feelings of hopelessness and depression, which negatively impacted his relationship with his daughter. (A16).

III. The instant Complaint alleged nothing about Mr. Bean’s application for Social Security disability benefits.

Though none of the following is alleged in Mr. Bean’s Complaint, nor established at any stage of this case, Attorney Sineni documents the court’s “findings.” (*See* A71-A75).

Attorney Sineni also assisted Mr. Bean’s efforts to obtain Social Security disability benefits. (A12). That benefits-application was denied on the merits, as discussed further below. (A16). The lower court’s judgment states that Attorney Sineni thereafter omitted to timely file a notice of appeal, causing the appeal to be dismissed in 2016. (A13, A16). Mr. Bean did not learn that his Social Security claim had been denied until 2019. (A16). In fact, in 2018, Attorney Sineni apparently caused Mr. Bean to erroneously believe that the application for Social Security benefits was still pending. (A16).

IV. The instant case: damages hearing

Mr. Bean initiated the case at bar, and Attorney Sineni did not respond to the Complaint, so default-judgment issued pursuant to M.R. Civ. P. 55.

(A5). Thereafter, the trial court (McElwee, J.) scheduled an evidentiary hearing to assess the damages due to Mr. Bean.

At the initially-scheduled hearing, Mr. Bean presented only the testimony of Attorney Sineni and Mr. Bean himself. However, after disagreeing with the court that he needed to offer anything more, and, in fact, strategically choosing *not* to do so, Mr. Bean's attorney changed tack at the very last moment and sought a continuance so that he could call an additional witness, which was granted over objection. Previously, the court had told Mr. Bean, "I'm not going to give you a continuance." (A46; 1Tr. 193)

At the later-convened continued hearing, Mr. Bean offered expert testimony from Mark J. Randall, an attorney with experience litigating personal-injury claims to a jury verdict. (2Tr. 13). Attorney Randall opined that he foresaw no problem establishing Superior Trucking's liability, and he believed that a jury verdict favorable to Mr. Bean was ninety-percent likely. (A16). Attorney Randall "estimated," after reviewing only records and not speaking with any of the potential witnesses he read about, that Mr. Bean "would have received a jury verdict of roughly \$500,000 to \$750,000... assuming the case had been tried between 2018 and 2020." (A17). Attorney Randall's estimation of damages "within the mid six figures" included compensation for emotional distress as to the crash. (2Tr. 70-71).

V. The trial court's award of damages

The trial court concluded that Mr. Bean established "that he more likely than not would have been able to prove pain and suffering from

physical injuries medically caused by the accident, permanent impairment, and lost past and future earnings.” (A19-A20). The court ruled that “[b]ased on the testimony of Attorney Randall,” it was satisfied that Mr. Bean “would have recovered at least \$750,000 as a result of the motor vehicle accident....” (A20). The trial court further concluded that Mr. Bean was “entitled to receive at least \$875 each month in Social Security benefits,” yielding an additional \$73,500. (A20-A21). Concluding that Attorney Sineni’s legal malpractice was “egregious,” the court additionally found that “an award of \$500,000 for emotional distress was appropriate and supported by the evidence.” (A23). Finally, the court awarded prejudgment interest relating to both the Superior Trucking case *and* the loss of Social Security benefits. (A23).

Attorney Sineni will develop additional facts within each assignment of error.

ISSUES PRESENTED FOR REVIEW

1. Did the trial court err by continuing the evidentiary hearing so that Mr. Bean could reverse his ill-conceived strategic decision not to call any expert witnesses to establish the amount of financial loss, without which Mr. Bean would have failed to carry his burden of proof; and then did the court compound the unfairness by denying Attorney Sineni the opportunity to present his own expert witness in rebuttal, despite previously saying it would grant such leave?

2. Is the trial court's award of emotional damages stemming from the legal-malpractice count erroneous because: (a) the sole evidentiary basis for that award – Mr. Bean's brief testimony about his mental health, generally – is too speculative; or (b) certain factual findings on which this award is premised are not supported by the record, such that Attorney Sineni's cognizable conduct is insufficient to satisfy the legal standard – "egregious" conduct – necessary for an award of emotional damages?

3. Is the trial court's award of Social Security damages erroneous because: (a) nothing about Social Security was pled in the Complaint, and thus no cognizable claim for damages was before the court, because Attorney Sineni's liability and causation were never established; or (b) even assuming a claim for Social security damages could proceed, and Attorney Sineni's liability and causation were somehow established, the court's award of \$73,500 in damages far exceeds the amount Mr. Bean is entitled to?

ARGUMENT SUMMARY

1. Mr. Bean made the strategic decision not to present expert testimony on the only day scheduled for a damages hearing, because he disagreed with the court's repeated statements that he ought to do so. And he persisted in that refusal despite the court unequivocally stating that it would not continue the hearing to another day. He added that he had decided to forgo such expert testimony so as not to invade the court's "province." Mr. Bean had ample opportunities to call his expert to come to the courthouse – and foreknowledge that the court desired such – but he knowingly opted against it.

At the end of the hearing, it was obvious that Mr. Bean's refusal to summon an expert meant that he had utterly failed to prove the damages he sought. Suddenly, the court reversed its ruling and gave Mr. Bean's attorney a second bite at the apple; otherwise, the court reasoned, Mr. Bean himself would have no "justice." The court scheduled a second day of proceedings so that Mr. Bean could present expert testimony, saving Mr. Bean from his attorney's strategic blunder. Even after the court ordered a second day of evidence, Mr. Bean continued to argue that expert evidence was "not necessary" and "not mandatory."

Then, at the second-chance hearing, the court compounded its thumb-on-the-scale ruling. Despite having promised Attorney Sineni the opportunity to present evidence in response to Mr. Bean's expert evidence, it denied Attorney Sineni such leave. The court's decision to excuse Mr. Bean's strategic choice in order to allow him to prevail – despite his own insistence

that doing so was “not necessary” – denied Attorney Sineni fundamentally fair process. The judicial discretion to afford a continuance does not permit a court to show blatant favoritism to one party over the other, no matter how sympathetic its favored litigant may be. Such evident bias and sympathy may not guide a fact-finder’s determination of damages.

2. The \$500,000-award for emotional damages because of Attorney Sineni’s malpractice is a whopper. Two problems require reversal.

First, the record to support it is utterly speculative. Mr. Bean merely offered a few snippets of testimony about how he has suffered from depression, anxiety and issues with relationships. No corroboration or expert evidence supports Mr. Bean’s self-diagnoses or their severity. He made no attempt to tease out emotional damages resulting from the legal malpractice from those anyway existing due to his physical injuries. Indeed, both before and after the hearing, the only number Mr. Bean could quantify as a proposed award for emotional damages was “at least \$250,000.” The court’s selection of *double* that amount is too speculative to stand.

Second, several of the court’s findings in support of its determination that Attorney Sineni’s conduct was “egregious” – the threshold legal standard necessary to award any emotional damages in an attorney-malpractice suit – are not competent. *One*, the court’s finding that Mr. Bean “lost his home” is not just devoid of any evidentiary support; it is contradicted by Mr. Bean’s own testimony. *Two*, the linchpin of the court’s conclusion that Attorney Sineni’s behavior was “egregious” is based on conduct that was not properly before the court. Mr. Bean’s Complaint alleged

nothing about Social Security. The default judgment therefore established neither liability nor causation about anything Social Security-related. That conduct was simply not before the court, unestablished, as it was, by the record. Yet, the court's "finding" that Attorney made an "affirmative misrepresentation" in the course of the Social Security representation is vital to its award of emotional damages. Stripped of this "finding," the foundation of the court's legal determination that Attorney Sineni's conduct was "egregious" crumbles.

3. The trial court's award of compensatory Social Security-related damages was erroneous for two alternative reasons. *One*, as above, the default judgment does not extend to anything about Social Security. Thus, as a matter of law, no cognizable claim for damages relating to Social Security was before the court. The antecedent questions of Attorney Sineni's liability and causation were never established. And even if such a claim somehow were cognizable despite being completely omitted from the Complaint, Mr. Bean failed to prove that Attorney Sineni's malpractice proximately caused Mr. Bean to suffer lost benefits. Mr. Bean was required to show that Mr. Bean would have prevailed on appeal such that the administrative law judge's merits-ruling would have been reversed. Because nothing in the record supports such a conclusion, any damages award is erroneous, as a matter of law.

Two, even assuming *arguendo* that the above deficiencies pose no bar to damages, the trial court's award of \$73,500 far exceeds what Mr. Bean was entitled to. That number relies on speculative assumptions about when

benefits would accrue following a successful appeal; it erroneously assumes that Attorney Sineni's malpractice somehow prevented Mr. Bean from applying for Social Security between the years of 2019 and 2024; and it relies on the court's imagined average of the amount of benefits that Mr. Bean would have received, when such a number should have been easily and readily attainable.

ARGUMENT

First Assignment of Error

The trial court abused its discretion by continuing the damages hearing to allow Mr. Bean to satisfy his burden of proof.

I. Preservation

Before the damages hearing on August 5, 2025, Attorney Sineni filed a motion in limine to “exclude all non-expert legal malpractice opinion and evidence pertaining to proof of causation between [his] alleged negligence and [Mr. Bean’s] alleged damages.” (A76). In support, he cited to *Brooks v. Lemieux*, 2017 ME 55, 157 A.3d 798, for the proposition that Mr. Bean was required to “proffer competent evidence from a qualified legal malpractice expert who concludes that but for the breach of duty by [Attorney Sineni], [Mr. Bean] would have been successful by being awarded the damages claimed.” (A77) (cleaned up).

In other words, Mr. Bean’s testimony alone could not have established that Attorney Sineni’s negligence caused damages *in any specific, non-speculative amount*. Cf. *McAlister v. Slosberg*, 658 A.2d 658, 660 (Me. 1995) (to obtain damages in the amount of his child support obligation, the plaintiff had to prove negligence and that the negligence caused the damages sought). Not surprisingly, the trial court agreed with Attorney Sineni, explaining that it sought evidence about “[a]t what financial level [Attorney Sineni’s] conduct caused the damages.” (A30; 1Tr. 10). The court reiterated, to Mr. Bean, “you ... still today have to show me at what amount Mr. Bean is entitled to damages caused by Mr. Sineni.” (A30; 1Tr. 10). The court could

not have been more clear: To carry his burden, Mr. Bean had to connect Attorney Sineni's negligence to the dollar amount to which he claimed entitlement.

Disagreeing with the fact-finder, Mr. Bean insisted, "I don't believe that we need expert testimony to do that," and he made plain that it was his strategic decision to omit the presentation of expert testimony. (A30; 1Tr. 10) (Counsel for Mr. Bean: "[W]e looked at some of this. And quite frankly ... we decided not to bring [an expert] in" to testify.). The trial court seemed incredulous: "So you had an expert and chose not to bring one[?]" (A30-A31; 1Tr. 10-11). Mr. Bean said, "*I can still get him*," meaning the expert, and he told the court that if its "review of the law is different, I would just like a continuance so I can bring my expert in." (A31; 1Tr. 11) (emphasis added).

The trial court immediately denied that request: "Well, *I'm certainly not going to continue* it because this day is saved for this case." (A31; 1Tr. 11 (emphasis added). Mr. Bean again insisted that he had "not seen a case yet where in a damages hearing, they require an expert," and the testimony commenced. (A34; 1Tr. 14). He added a second basis for his tactics: "I chose not to bring him because ... I thought that it was going to make this longer and more cumbersome and, ultimately, perhaps invade the province of the Court...." (A31; 1Tr. 11).

At 10:40 a.m., the court drew thick lines under its message to Mr. Bean: "[Y]ou have to link Attorney Sineni's legal malpractice to a sufficient figure that I can identify as damages here." (A37; 1Tr. 61). It told Mr. Bean that the evidence he had offered thus far "can't be the only thing I rely on." (A37;

1Tr. 61). “I need some expert testimony, either from another attorney, or ... a doctor to tell the Court what the value of that case is....” (A38; 1Tr. 62). In other words, “I don’t think that Attorney Sineni and Mr. Bean are going to get us where we need to be. It’s too speculative.” (A41; 1Tr. 65). Mr. Bean continued to disagree with the court, (1Tr. 61-67), though he acknowledged that he understood the fact-finder’s view. (A38-A39; 1Tr. 62-63).

At the end of the day, and after hearing testimony from Mr. Bean and Attorney Sineni, it was obvious – apparently even to Mr. Bean – that Mr. Bean had failed to carry his burden. Mr. Bean announced, “I would like to be able to call my expert.” (A44; 1Tr. 191). The trial court pointed out that Mr. Bean had previously opposed a stay of the proceedings, and that he was well aware “the trial was set for today. So any witnesses were needed for today.” (A45; 1Tr. 192). The court told Mr. Bean, “This is a trial ... You put on whatever you want to put on. And you told me, quite clearly that you had chosen, I think strategically, not to call an expert.” (A45-A46; 1Tr. 192-93). “And so my concern is that you had an expert, and you’re right to do whatever you want, which is to choose not to call it if you want.” (A46; 1Tr. 193). It again ruled, “[B]ut I’m not going to give you a continuance.” (A46; 1Tr. 193).

Mr. Bean replied that he had “misunderstood [the court] this morning. I would have called up my ... expert and had him come over to the courthouse today, if I had understood that.” (A45; 1Tr. 192). The court added, referring to *Brooks*, “the law isn’t new.” (A50; 1Tr. 197). Again, Mr. Bean insisted, “I still haven’t seen a law that says that I need to have an expert at ... a damages

hearing,” to which the court replied, perhaps flippantly, “[t]hen you’re all set.” (A50; 1Tr. 197).

But it seemed to suddenly dawn on everyone, especially the trial court, that unless it granted a continuance and allowed Mr. Bean to present expert testimony, Mr. Bean himself would be out of luck – *again*.³ The court remarked, “I don’t feel like I would be giving Mr. Bean any justice” unless special accommodations were made to allow the presentation of expert testimony so he could be saved from another abortive attempt at recovery. (A60; 1Tr. 207).

Attorney Sineni objected, strongly. He implored: “Just because [counsel for Mr. Bean] didn’t know the law, he shouldn’t be awarded a second chance and another bite at the apple.” (A205; 1Tr. 206). The trial court said that it “understood” Attorney Sineni’s “frustration” and that it agreed with him “in terms of the law.” (A59; 1Tr. 206). Yet, the court said that it was willing to now completely reverse course and afford Mr. Bean another chance because:

I gave him the impression that I would give him another day.
And I can see where our conversation would have led him to
think that.

(A60; 1Tr. 207).

³ There is no room for debate on this point. At the close of evidence on August 5, 2025, the only evidence before the court about damages came from Attorney Sineni, who opined that a jury would have returned a verdict against Superior Trucking in the range of \$35,000 to \$50,000. (1Tr. 93). Anyway, in the end, the court’s award relies exclusively on the expert’s testimony, to arrive at the damages amount on the Superior Trucking lawsuit. (A20).

Attorney Sineni filed a written motion asking the court to reconsider its ruling and deny a continuance. Among other things, he pointed out that Mr. Bean had been afforded a recess to review *Brooks*, and at that time, he could have made arrangements for his expert to testify at the hearing, but Mr. Bean “refused to relinquish the position that he was not aware of any case law that required expert testimony to meet [his] burden of proof...”. (A82-A83). Attorney Sineni also pointed out that Mr. Bean could have contacted his expert over the luncheon recess and asked him to come to court and testify, but that Mr. Bean failed to do so because he “was unable to yield to the position that expert testimony was needed under the circumstances.” (A86). Attorney Sineni argued against a continuance “out of fundamental fairness.” (A91).

Even after having been granted a continuance because he “would like to be able to call [his] expert,” (1Tr. 191), Mr. Bean persisted, on August 15: expert testimony “is certainly not mandatory” and “is not necessary at a damages hearing.” (A94). He insisted that he “ha[d] easily met” any burden to establish causation as to an amount of damages via his presentation “during the first day of testimony.” (A95). Mr. Bean was arguing *against* the need for a continuance, essentially.

Notwithstanding Mr. Bean’s representations that such was unnecessary because he had already met his burden, the court adhered to its plan to afford him a second-chance hearing. It denied Attorney Sineni’s motion to reconsider, and it permitted Mr. Bean’s expert to testify. (2Tr. 3).

Despite having promised that it would thereafter allow Attorney Sineni to “put on any other evidence you want, based on what [Mr. Bean’s expert] does,” (A58; 1Tr. 205), when, after that expert testified, Attorney Sineni sought to elicit more testimony made newly relevant by the expert’s testimony, the court denied him leave to do so. (2Tr. 100-05). Ironically, the court told Attorney Sineni that he was out of time, intimating that he was to blame for alerting Mr. Bean to the inadequacy of his planned presentation: “[Y]ou, by filing a motion in limine, generated the topic that brought up a discussion that caused [counsel for Mr. Bean] to change his mind.”⁴ (2Tr. 105).

II. Argument

Mr. Bean should not have received a continuance. The circumstances are remarkable: Mr. Bean made a strategic decision not to timely present the evidence he needed to win his case; even after receiving the continuance, Mr. Bean persisted in arguing that one was unnecessary; the court reversed its numerous, prior rulings, explicitly seeking to do “justice” for a sympathetic party; and, with great irony, the court’s intervention saved one attorney from his own mistakes, in order to obtain a steep award of damages resulting from another lawyer’s mistakes.

Obviously, the court felt that expert testimony was required, and Mr. Bean’s failure to adequately prepare did not entitle him to a do-over. There

⁴ Here, the court – “change his mind” – demonstrated its clear understanding that Mr. Bean had not simply, as it stated elsewhere, (1Tr. 206-07), “misunderstood” the court’s ruling about the necessity of expert testimony.

is nothing in the record to support the trial court's suggestion that Mr. Bean was reasonably misled, justifying a continuance. The continuance deprived Attorney Sineni of a fair hearing. The court's extension of a life-line to Mr. Bean demonstrates that the award of damages was improperly based on "passion, prejudice, or sympathy" from the fact-finder. *See Russell v. ExpressJet Airlines, Inc.*, 2011 ME 123, ¶ 18, 32 A.3d 1030. For a system predicated on evenhanded process, the continuance looks terrible.

A. Mr. Bean could not have been reasonably misled to believe that he would receive a continuance.

Mr. Bean asked for a continuance at the very outset of the hearing on August 5, 2025. (A31; 1Tr. 11). The court made very clear right then: "Well, I'm certainly not going to continue it because this day is saved for this case." (A31; 1Tr. 11). If Mr. Bean wanted to offer expert evidence, he was on notice of the need to do so immediately. He had ample opportunity during breaks and over lunch to bring his expert witness to court. Again, he strategically chose not to – that is, until the court was prepared to rule against him.

The court's comments – "if I'm still wanting more information at the end of your two witnesses, I will let you know that," (A31; 1Tr. 11), and "we'll see where we end up after your presentation and whether the Court believes more is necessary," (1Tr. 13) – do not justify a continuance, and could not reasonably have led Mr. Bean astray. *First*, neither statement suggests in any way that *an additional day* would be available to Mr. Bean to present more evidence. Quite the opposite, the trial court affirmatively told Mr. Bean that a continuance would *not* be available to him.

Second, at most, the statements suggest that the court was apt to decide from the bench whether his proof was deficient and if he had failed to carry his burden. After all, courts routinely rule from the bench. But nothing the court said suggests that, were Mr. Bean to fail in his task, the court was willing to give him additional chances, reverse its previous rulings, and find a second day for an evidentiary hearing. Again, the court affirmatively told Mr. Bean such was *not* going to happen.

Third, the record strongly suggests that Mr. Bean was, in fact, not prepared to call an expert on August 5, 2025. Mr. Bean spent nearly the entire time on the first day trying to establish damages related to the hernia and its failed surgical repair, but on August 18, 2025, Attorney Randall summarily dispensed with all that by testifying unequivocally that linking anything hernia-related to the automobile accident would be “problematic.” (2Tr. 38; A17-A19). He agreed flatly, “[T]here’s no development of any medical causation evidence” linking the collision to the hernia. (2Tr. 90-91). If even his own expert believed that the hernia-injuries were too attenuated to support damages, why had Mr. Bean, on the first day, expended so much time and effort trying to persuade the court otherwise? To waste the court’s time? To try to convince the court otherwise, contrary to his own expert’s opinion? Or because he lacked an expert?

A second point similarly suggests a lack of preparation. Attorney Randall testified that he did not prepare his “notes” – Plaintiff’s Exhibit 21 – until “the last two weeks.” (2Tr. 62). Thirteen days passed between day one and day two of the damages hearing. Considering the centrality of those

notes to Mr. Bean's day-two presentation, it is curious that they would not have been available for the lone initially-scheduled day of trial.

B. The continuance suggests that the fact-finder's award of damages was the product of bias and sympathy.

Courts are impartial arbiters of proof. They do not rule with a thumb on the scale in favor of either party. Mr. Bean would have been mistaken if he believed that the trial court was going to coach him on when to rest his case. At the end of his two-witness presentation, Mr. Bean should not have expected the court's legal advice about how to proceed; he should have expected an adverse ruling.

A party seeking a continuance must make known to the court the "*substantial reasons* why granting the continuance would serve to further justice." *Provenzano v. Deloge*, 2000 ME 149, ¶ 11, 755 A.2d 549 (emphasis in original). Here, the only reason for the continuance was to allow Mr. Bean to win his case *in spite of* his own strategy. The evenhanded application of law does not countenance bending the rules to allow one party to prevail; that does not qualify as a *substantial reason* for a continuance. Granting a continuance to allow a party to snatch victory from the jaws of defeat is the anthesis of impartiality and fairness.

Without question, the court's about-face continuance-ruling severely prejudiced Attorney Sineni. But for the continuance, Mr. Bean would have altogether failed to persuade the fact-finder and a damages award in excess of *one million dollars* never would have issued. Making matters much worse, the trial court inexplicably refused Attorney Sineni's request to rebut Mr.

Bean's expert testimony by recalling Mr. Bean. (2Tr. 99). Attorney Sineni wanted to explore Mr. Bean's medical history before the Superior Trucking crash, an issue raised for the first time by Attorney Randall's testimony. (2Tr. 100). Such testimony was directly relevant to the issue of burden-shifting and whether Superior Trucking damages would be offset by Mr. Bean's preexisting injuries. (2Tr. 20) (discussing *Lovely v. Allstate Ins. Co.*, 658 A.2d 1091 (Me. 1995)). The trial court agreed to give Attorney Sineni "five minutes" to present testimony from Mr. Bean but then changed its mind when Mr. Bean's attorney protested that he was not "prepared for this" and Mr. Bean was anyway "feeling horrible." (2Tr. 101). Attorney Sineni responded by asking if he could call an expert instead, (2Tr. 102-03), and the trial court said no, reasoning, "[y]ou could have brought your expert." (2Tr. 103).

A trial court's discretion in granting or denying a continuance "must be exercised judiciously and with an eye toward fundamental fairness," such that the ruling on a continuance motion does not "have an adverse prejudicial effect" on the litigant's "substantial rights." *Daud v. Abdullahi*, 2015 ME 48, ¶ 7, 115 A.3d 77, citing *State v. Dube*, 2014 ME 43, ¶ 13, 87 A.3d 1219.

This Court has previously held that in ruling on a motion to reopen pursuant to (former) M.R. Crim. P. 26(c), a court should consider several factors, none of which is alone dispositive: "(1) the potential prejudice to the opposing party; (2) the probative value of the proffered evidence ...; and (3)

the moving party's excuse for the untimeliness of its offer.” *State v. White*, 460 A.2d 1017, 1023 (Me. 1983).

The balance of those factors does not militate in Mr. Bean's favor. The trial court effectively allowed Mr. Bean to waste nearly the entire day allotted for the evidentiary hearing by presenting copious amounts of irrelevant (misleading, if his own expert is to be credited) testimony, despite plenty of opportunities and warnings from the court at the outset that expert testimony was needed to establish the “financial level” of damages. He did so strategically, and he even argued that the continuance was “not necessary.” (A94). Respectfully, the error undermines the appearance of fairness in Maine courts. To hold one attorney responsible for his negligence, the court had to excuse Mr. Bean's counsel for his otherwise doomed, strategic error.

The proper remedy is to vacate the judgment and remand for further proceedings, which may include a finding of financial loss limited to what, if anything, was established at the August 5, 2025 hearing.

Second Assignment of Error

The trial court's award of emotional damages is erroneous.

I. Preservation

The court properly explained that emotional damages are recoverable in legal-malpractice cases only “where the defendant-attorney’s conduct was ‘egregious’” and in other circumstances not applicable here.⁵ (A21), quoting *Garland v. Roy*, 2009 ME 86, ¶ 24, 976 A.2d 940. But it then found and concluded:

[Attorney Sineni’s] conduct, including his repeated failures to timely meet important deadlines and his failures to communicate the statuses of the [u]nderlying [a]ction and **Social Security claim to [Mr. Bean] (and affirmative misrepresentation that [Mr. Bean’s] Social Security claim was still pending two years after it was dismissed)**, was egregious.

(A21) (emphasis added). It continued:

[Attorney Sineni’s] wanton conduct destroyed [Mr. Bean’s] chances of receiving compensation for his injuries and lost earnings from Superior Truck[ing] and **stymied his claim for Social Security benefits**; with insufficient income to sustain his standard of living, [Mr. Bean] lost his home. The mental suffering caused by the realization of those lost opportunities for [Mr. Bean] to be made whole has resulted in significant emotional distress.

Additionally, the court finds that [Attorney Sineni’s] dishonesty and cowardice devastated [Mr. Bean,] causing substantial emotional distress, including shock at the initial discovery that his claims had been dismissed without notice from counsel, as well as lingering anxiety and feelings of distrust and hopelessness. His resulting depression generally affected his

⁵ *E.g.*, “harm to the plaintiff’s reputation;” and “other personal losses, such as the deterioration of the plaintiff’s marriage.” *Garland*, 2009 ME 86, ¶ 24.

entire life and specifically compromised his relationship with his daughter and with his current attorney.

(A21-A22) (emphasis added). It determined that Attorney Sineni’s “betrayal of his duty to [Mr. Bean]” was “egregious[.]” (A-22).

Attorney Sineni has highlighted two incompetent findings that undermine the court’s legal conclusion that the negligence was “egregious.” The bolded portions were not properly before the court for damages. They were never mentioned, let alone alleged, in the Complaint; the default, therefore, did not reach them. No liability – no breached duty, no proximate causation – was established as to Social Security.

Thus, Attorney Sineni objected to even the *possibility* of damages related to Social Security:

[Mr. Bean’s] Complaint is [de]void of any factual allegation pertaining to a Social Security Disability Claim. Likewise, there is no count in Plaintiff’s Complaint alleging a breach of contract or tort pertaining to a Social Security Disability case in which the Plaintiff seeks damages against [Attorney Sineni]. [Mr. Bean] merely attempts to include the Social Security case, after damages for a tort or breach of contract that has not been pled or factually alleged by [Mr. Bean] in his complaint.

(A121). “[Mr. Bean] is prohibited from requesting damages for a claim that was never made by complaint.” (A121). Such was a “legally nonexistent claim,” in other words. (A122).

Next, the underlined “finding” – “[Mr. Bean] lost his home” – is simply not factually true; it is actually contradicted by the record. It is therefore erroneous. *See Estate of Hoch v. Stifel*, 2011 ME 24, ¶ 43, 16 A.3d 137

(standard of review is whether finding is supported by “competent evidence in the record”).

Apart from the findings comprising the court’s award of emotional damages, this Court reviews de novo the legal determination that those findings constitute “egregious conduct.” *See In re Adoption by Kathleen C.*, 2026 ME 14, ¶ 11, ____ A.3d ____ (trial court’s authority to impose attorneys’ fees as a sanction for attorney’s “egregious conduct” is reviewed de novo); *see also State v. Nisbet*, 2016 ME 36, ¶¶ 39-40, 134 A.3d 840 (whether a defendant exhibited “egregious conduct” permitting forfeiture of right to counsel is bifurcated, with the ultimate conclusion of law reviewed de novo). Other courts employ that standard, too. *E.g., Echols v. Lee*, 2024 Wash. App. LEXIS 3, * 9, 2024 WL 21406, * 4 (Wash. Ct. App. 2024) (“Whether a plaintiff may recover emotional distress damages for legal malpractice is a question of law that we review de novo;” reviewing “egregious”-determination).

II. Argument

Attorney Sineni has two separate theories about the court’s erroneous emotional-damages calculation. *First*, the award is simply too speculative, unsupported as it is by anything other than a few bare statements from Mr. Bean about his general emotional state. *Second*, even assuming those few statements from Mr. Bean could support the court’s emotional-damages assessment, several of the court’s own findings are improper or unsupported. Without them, the court’s legal conclusion that Attorney Sineni’s conduct

was sufficiently “egregious” to permit such damages is erroneous. These contentions are discussed in order.

A. The award of \$500,000 in emotional damages is based on uncertainty and speculation.

The entirety of the court’s emotional-damages assessment is based on Mr. Bean’s own assertions and nothing else. He described:

- being “pretty pissed;” (1Tr. 149);
- losing trust in “[his] relationship with [his] attorney;” (*Id.*);
- “losing trust in people, in general;” (*Id.*);
- “bec[oming] pretty depressed and kind of los[ing] hope;” (1Tr. 150);
- experiencing “[d]epression, panic attacks, insomnia” and going “to some pretty dark places in [his] head;” (*Id.*); and
- worrying “[p]retty severely” about paying his bills and losing “[his] relationship with [his] daughter and other loved ones;” (*Id.*).

No other evidence, however, established that these negative experiences were proximately caused by the conduct for which Attorney Sineni is liable. Nothing teased out how much of this emotional baggage was the result of Attorney Sineni’s negligence as opposed to the collision itself, or as opposed to the “too attenuated” hernia-related issues. It is natural that, regardless of the malpractice, some of these low-points were, unfortunately inevitable considering his physical injuries and resultant loss of enjoyment of life.

Indeed, both before and after the hearing, Mr. Bean himself merely asserted emotional damages of “at least” “\$250,000.” (*Plaintiff’s Trial Brief* at 10; A118). How did the court nonetheless arrive at any number, let alone one *double* that specified by Mr. Bean? To supportably arrive at that amount, the court needed a basis for identifying what it would take to “make [Mr. Bean] whole,” compensating him for only those injuries “proximately caused” by Attorney Sineni. *Estate of Hoch*, 2011 ME 24, ¶ 41 (quotation marks omitted). Some “corroborating evidence,” in addition to Mr. Bean’s personal opinion (which, again, suggested *half* the eventual award), was needed. *Cf. Reardon v. Lovely Dev., Inc.*, 2004 ME 74, ¶ 11, 852 A.2d 66 (quotation marks omitted). In light of *Brooks*, 2017 ME 55, ¶ 14, this corroboration should have come from an expert. *Cf. Gautam v. DeLuca*, 521 A.2d 1343, 1349 (N.J. Super. App. 1987) (where emotional damages are recoverable for legal malpractice “such awards would be impermissible in the absence of medical evidence establishing ... severe and demonstrable psychiatric sequelae proximately caused by the tortfeasor’s misconduct.”). Without it, a negligent attorney is exposed to “otherwise boundless liability,” *id.*, of the sort imposed here. Indeed, who is to say, following the court’s own speculative reasoning, that the emotional injuries described by Mr. Bean do not instead support an award of \$100,000,000 or \$100? This is the definition of arbitrariness.

“Damages may not be based on guesswork or speculation, nor on the basis of passion, prejudice, or sympathy.” Alexander, *Maine Jury Instruction Manual* § 7-101 (2024 ed.). Yet, given the empty record on this

score, guesswork and sympathy alone necessarily have guided the fact-finder's assessment. The remedy is vacatur of all emotional damages resulting from Attorney Sineni's malpractice.

B. Stripped of unsupported and improper findings, the court's legal conclusion that the conduct at issue was "egregious" is erroneous.

Attorney Sineni now segues to the second reason the court's emotional-damages award is erroneous: Even those findings that are supported do not establish "egregiousness." He begins by pinning down the "facts" that are not properly part of that legal analysis.

1. The court's finding that Mr. Bean "lost his home" is not supported.

Attorney Sineni is unsure from where the court, with all respect, got the impression that Mr. Bean lost possession of his home. This finding lacks a basis: "[W]ith insufficient income to sustain his standard of living, [Mr. Bean] lost his home." (A21; *see also* A16) ("Lacking a consistent source of income, he lost his home.").

To the contrary, Mr. Bean's counsel elicited from him at hearing:

Q. Okay. Doug, do you own your own house?

A. I do, yeah.

Q. And when did you purchase that?

A. July of 2001.

(1Tr. 112).

However, the court seemed to rely on this finding to a not-insignificant extent in determining that Mr. Bean had crossed the legal threshold entitling him to emotional damages. (*See* A22) (likening our case to *Burton v. Merrill*, 612 A.2d 862, 864-65 (Me. 1992), in which the defendant-attorney was

liable for, *inter alia*, “loss of the [plaintiff’s] house”). That was error. See Alexander, *Maine Jury Instruction Manual*, Comment to § 4-101 (2024 ed.) (“A damage award must be supported by some evidence in the record....”).

2. Attorney Sineni’s conduct in the Social Security matter was not before the court, yet it relied on that conduct in awarding emotional damages.

“When a default is entered against a defendant, *the allegations in the plaintiff’s complaint* are deemed to be true and become findings of fact.” *McAlister*, 658 A.2d at 660 (emphasis added). As noted above, “the plaintiff’s complaint” contains no allegation – no mention, even – of the Social Security matter. The default established nothing about Social Security – neither liability nor causation.

The court never even *addressed* this deficiency, despite Attorney Sineni amply highlighting it in his post-trial filings. And Mr. Bean’s argument – averted to perfunctorily in a footnote – is a red-herring. (A117 n. 1). The fact that ours is a “notice pleading” state does not absolve the plaintiff from *proving* – either to a jury⁶ or via a default – that the defendant is liable and that his liability has caused damages. “It is well settled that the defendant, by his default, admits the plaintiff’s well-pleaded allegations of fact, but the defendant is not held to admit facts that are not well-pleaded.” *Lary v. Trinity Physician Financial & Ins. Services*, 780 F.3d 1101, 1106

⁶ While Attorney Sineni forfeited his right to a jury trial on the defaulted counts – *i.e.*, those pled in the complaint – he retains a constitutional right to a jury trial on other, non-defaulted allegations. See ME. CONST. Art. I, § 20.

(11th Cir. 2015) (cleaned up; holding that the defendants “cannot, by default judgment, be held liable for a fax that was not alleged in the complaint.”); *see also* M.R. Civ. P. 54(c) (“A judgment by default shall not be different in kind from ... that prayed for in the demand for judgment.”). No mention of Social Security surely qualifies as less than “well-pleaded” allegations.

Yet, the court relied rather heavily on the non-cognizable and unproven claim for damages. Perhaps most prominently, the court relied on its finding that Attorney Sineni made an “affirmative misrepresentation that [Mr. Bean’s] Social Security claim was still pending two years after it was dismissed.” (A21). It further noted Attorney Sineni’s failures regarding “the [u]nderlying [a]ction *and* Social Security claim,” and how such “stymied [Mr. Bean’s] claim for Social Security benefits.” (A21) (emphasis added). No “affirmative misrepresentation” – no lying – occurred during the “conduct” adjudicated in this case. It was error for the court to consider such.

3. The few competently supported findings do not establish “egregious” conduct warranting any emotional damages.

Absent the incompetent findings above, the remaining findings about Attorney Sineni’s conduct are:

- Failure to communicate with Mr. Bean about the dismissal of the underlying action – “at all.” (A15);
- Failure to “meet important deadlines” in the underlying action. (A21);

- Failure to file a brief during the appeal from that dismissal.
(A15).

The crux of the conduct we are talking about here is Attorney Sineni's failure to meet discovery deadlines in the Superior Trucking action, and his subsequent failure to inform Mr. Bean that, as a result, that action had been dismissed. There is no "affirmative misrepresentation" before the court for damages.

As much as he regrets his failures and accepts liability for them, Attorney Sineni nonetheless submits that they indicate something less than "egregious" conduct. Attorneys routinely miss filing deadlines⁷. They frequently fail to communicate with their clients. These are garden-variety malpractice, not "egregious" performance. A quick glance at the Board of Bar Overseers' website documents lawyer after lawyer who has missed court-imposed deadlines, often to the significant detriment of his clients. The same repository of suspensions and admonishments details an endless stream of lawyers' communications failures. Attorney Sineni feels safe in positing that none, other than him, has been designated so "egregious" as to justify half a million dollars in emotional damages.

This Court is "in accord with" the "general rule" that "emotional distress damages are not recoverable in legal malpractice cases" except when "the tort was intentional," or "when the attorney has been untruthful" or "has

⁷ How many instances of late discovery has this Court seen in recent years? How many too-late notices of appeal have been filed? How many appeals have been dismissed for want of prosecution?

wantonly or willfully disregarded the consequences of his or her actions.” *Garland*, 2009 ME 86, ¶ 26. The court did not find – and the facts do not support a finding – that Attorney Sineni acted intentionally. Wantonness is not supported, either, given this Court’s definition of that standard. See *Blanchard v. Bass*, 153 Me. 354, 359, 139 A.2d 359, 361 (1958) (“wanton” “implies turpitude,” and such “must be done intelligently and with design without excuse and under circumstances evincing a lawless, destructive spirit”)⁸ (quotation marks omitted). The record properly before the Court, again, does not establish “affirmative misrepresentation” about the underlying action; that finding, rather, concerns Attorney Sineni’s conduct in the not-properly-before-the-court Social Security matter.

For that reason, two of the cases cited in the court’s *Judgment* are inapposite. *McAlister* and the Oklahoma-state case deal with “intentional misrepresentations” and “malice” or “a course of fraudulent conduct” that was “willful.” *McAlister*, 658 A.2d at 660;⁹ *Worsham v. Nix*, 145 P.3d 1055, 1072 (Okla. 2006). We have neither. Those cases are simply not related to the “egregious” standard of law; they involve intentionality.

⁸ Attorney Sineni and Mr. Bean had somewhat of a friendship, Sineni inviting Mr. Bean to a Grateful Dead (their successor-band) concert in Boston, and travelling to Mr. Bean’s home, apologizing for his mistakes, crying on Mr. Bean’s couch. (1Tr. 187-88).

⁹ Anyway, *McAlister* yielded a paltry sum of emotional damages. 658 A.2d at 659 n. 2 (the award, which also included amends for lost wages and punitive damages, totaled \$23,600).

The court's remaining citations are also outright inapplicable. *Bolton v. Caine*, 584 A.2d 615 (Me. 1990) doesn't even involve a lawyer; it involves physicians. *Burton v. Merrill*, 612 A.2d 862, 864 (Me. 1992) and *Gore v. Rains & Block*, 473 N.W.2d 813, 816 (Mich. Ct. App. 1991) contain no reference to the "egregious" standard. Rather, they both involve a *different* exception to the general prohibition on emotional damages in legal malpractice cases: loss of consortium. *Burton*, 612 A.2d at 864 (malpractice caused deterioration of marriage, resulting in divorce); *Gore*, 473 N.W.2d at 816 ("loss of consortium as the result of the legal malpractice."). No case cited by the court provides any support for *any* award of emotional damages.

A notable case that *does* consider the "egregious" standard demonstrates that Attorney Sineni's failure to meet deadlines and communicate with Mr. Bean is insufficient to establish "egregiousness." *Vincent v. DeVries*, 72 A.3d 886, 889 n. 5 (Vt. 2013) (insufficient proof of "egregiousness" when defendant-attorney's "failure to timely file an answer, affirmative defenses, or a counterclaim in the suit; defendant's recommendation that plaintiff sign a stipulation that prevented plaintiff from raising defenses to buyers' suit without informing him of the consequences; defendant's failure to present appropriate defenses to the summary judgment motion; and defendant's failure to inform plaintiff of filings and dispositive orders in the course of the litigation.").

While indisputably blameworthy, the Superior Trucking-related conduct at issue in this case is not "egregious." The remedy is remand for

vacatur of the emotional-damages assessment, or, in the alternative, remand for reconsideration in light of only those findings supported by the record.

Third Assignment of Error

The trial court's award of Social Security-related damages is erroneous.

I. Preservation

Again, Mr. Bean acknowledged, and the trial court agreed, that “his Complaint lacks allegations specific to the Social Security claim.” (A13 n. 3). It does not even contain the words “Social Security.” The record is likewise devoid of any of pleadings or orders from the Social Security matter.

Rather, the sparse record evinces only the following. On some unknown date, an administrative law judge (ALJ) issued a decision denying Mr. Bean's claim for Social Security benefits on the merits because Mr. Bean failed to produce a neuropsychological evaluation report. (1Tr. 200). Attorney Sineni had told Mr. Bean to consult a neuropsychologist, but Mr. Bean never did. (1Tr. 171-72; 200). As a result, his claim for Social Security benefits was denied. (1Tr. 200, 203). Attorney Sineni then failed to timely appeal that decision. (1Tr. 20-21).

Thus, as above, Attorney Sineni objected both (1) that “[Mr. Bean] is prohibited from requesting damages for a claim that was never made by the complaint;” and, anyway, Mr. Bean failed “to prove that, but for [Attorney Sineni's] conduct ... [Mr. Bean] would have prevailed in an appeal [of the denial of the Social Security claim].” (A122). Attorney Sineni argued that Mr. Bean failed to “produce the necessary evidence” as to causation. (A121-A122). Attorney Sineni even raised this same contention – *i.e.*, lack of proof of causation – in his pre-hearing motion in limine. (A77).

The trial court correctly framed the legal standard for awarding damages: “To recover damages with respect to [Attorney Sineni’s] negligent representation before the Social Security Administration, [Mr. Bean] must show that but for [Mr. Sineni’s] negligence, [Mr. Bean] would have received Social Security benefits.” (A20). Yet the court then erroneously concluded:

[Mr. Bean] has shown that he did not receive Social Security benefits for seven years because of [Mr. Sineni’s] professional negligence, and that he would more likely than not have been entitled to receive at least \$875⁸ each month in Social Security benefits during that time. The court therefore finds that [Mr. Bean] has demonstrated damages of \$73,500 caused by [Attorney Sineni’s] negligent representation of [Mr. Bean] before the Social Security Administration.

⁸ In his post-trial brief, [Mr. Bean] requests \$967 per month for seven years of missed payment (2017-2024) based on the current monthly Social Security payment he receives; however, as [Mr. Bean] acknowledges in his earlier-filed motion for attachment, he would more likely [have] received a lower average monthly payment between \$750 and the current figure over those years of missed payments based on fluctuations in the annual cost of living increases for Social Security benefits. Accordingly, the court awards [Mr. Bean] a total figure using a lower monthly average for those years of \$875.

(A20). Moreover, the trial court’s order fails to address any of Attorney Sineni’s objections.

II. Argument

The trial court’s award of \$73,500 in damages for Attorney Sineni’s negligent representation of Mr. Bean relating to the denial of Social Security benefits is erroneous for several alternative reasons.

A. No cognizable claim related to the Social Security benefits was before the court, let alone in order for damages.

As discussed repeatedly throughout this brief, and therefore not repeated here in any detail, there was no lawful basis for the court to award damages stemming from Attorney Sineni's work on the Social Security case. That was not before the case for adjudication. Any award based on Social Security is error.

B. Mr. Bean failed to prove that Attorney Sineni's negligence caused *any* damages.

Even assuming Attorney Sineni's Social Security-related negligence was both properly before the court and somehow lawfully established, negligence alone does not establish the amount of money that Mr. Bean is due – it was Mr. Bean's burden to establish that fact at the evidentiary hearing.¹⁰ And the amount of money that Mr. Bean is due depends on *how* Attorney Sineni was negligent. The record is silent in that regard. Given the state of the record here, which omits even the docket numbers of the pertinent Social Security proceedings, this ambiguity is fatal to any Social Security-related damages award.

¹⁰ This is further underscored by three things: (1) the Complaint does not request relief in the amount of a particular damages amount; rather, it requests a jury trial on the issue of damages; (2) Mr. Bean himself averred, in his February 2, 2023 application for a default judgment, that the default does not establish “a sum certain” or “a sum that can by computation be made certain;” and (3) plainly the trial court understood that damages needed to be established at the hearing. (*See* 1Tr. 6: Court: “[T]his is a damages hearing.”).

The ALJ denied the benefits application *on the merits*. Mr. Bean altogether failed to prove the most important thing: that a timely appeal would have led to the reversal of the administrative judge's ruling *on the merits*. See *McAlister*, 658 A.2d at 660 (“McAlister must also prove that, absent Slosberg’s negligence, McAlister would have *been successful* on his appeal from the judgment of the District Court entered in the paternity action.”) (emphasis added).

Indeed, the grounds for a successful appeal are completely unknown, on our record. Mr. Bean never proffered a favorable theory for vacatur, so it is understandable that the trial court never found any. The issue was completely, and erroneously, omitted from the damages hearing. This Court has absolutely no basis to believe that the ALJ’s merits-ruling was wrong and would have been reversed on appeal.¹¹

No court anywhere, aside from the trial court here, has ever assumed that the failure to timely file a notice of appeal *ipso facto* entitles the would-have-been appellant to the relief he would have sought in that appeal. Obviously, that is not the law at all; most appeals are unsuccessful. Criminal petitioners do not win vacatur of *their convictions* whenever they suffer legal malpractice in the form of a failure to file a notice of appeal. The rule is obviously no different for civil appeals. As is true for both criminal and civil

¹¹ Myriad reasons – procedural (*i.e.*, preservation) and substantive (*i.e.*, harmlessness) – prevent the correction of erroneous legal rulings in a good number of appeals. Mr. Bean would have had to prove more than just error in the ALJ’s legal ruling.

plaintiffs, the failure to file a notice of appeal does not mean that the plaintiff wins *everything imaginable under the sun*.

Likewise for any negligence at the administrative hearing: Mr. Bean has failed to establish proximate causation of *anything*, let alone the damages awarded by the court. The uncontroverted record evidence is that the ALJ wanted Mr. Bean to obtain a neuropsychological evaluation before ruling on his benefits application. (1Tr. 200-01). We also know, and Mr. Bean has acknowledged, that Attorney Sineni told Mr. Bean to see a neuropsychologist. (1Tr. 173). Mr. Bean chose not to do that. (1Tr. 173). Surely, Attorney Sineni cannot have caused Mr. Bean to lose at hearing because Mr. Bean chose not to obtain the test the hearing-officer required. Even then, who is to say that such an evaluation would have produced favorable evidence for Mr. Bean, and would have resulted in any benefits award, let alone the quantum selected by the court?

C. Mr. Bean failed to prove that he is entitled to damages in the amount of \$73,500.

Alternatively, even assuming *arguendo* that Mr. Bean is entitled to *some* damages, the record fails to support the award of \$73,500 in damages. That amount is speculative. *Wood v. Bell*, 2006 ME 98, ¶ 21, 902 A.2d 843, 851 (Damages that are “uncertain, contingent, or speculative” are not recoverable.).

For one thing, it is entirely unclear why the trial court began the damages calculation in the year 2017. (A20 n. 8). The trial court’s order is internally inconsistent: it says that Mr. Bean applied for Social Security

benefits in 2017, (A14), and that he applied in 2016, (A16). Both these dates are wrong (or at any rate, they cannot both be correct).¹² On top of that, the record is missing any information about how long it typically takes Social Security benefits to be awarded following a successful application, or how long it would have taken in this case, had Mr. Bean obtained a helpful neuropsychological evaluation. Large bureaucracies seldom grant benefits instantaneously.

If the trial court is correct that Mr. Bean applied for Social Security benefits in 2016, then its assumption that he would have received benefits by 2017 is entirely speculative. Nothing in the record suggests that the time from application to award is a matter of mere months. If the trial court is correct that Mr. Bean applied for Social Security benefits in 2017, then its assumption that he would have received benefits immediately, in 2017, is just plain wrong. Among other things, the trial court's reasoning fails to account for the mandatory five-month waiting period to receive social security benefits, in most cases, after the claim has been approved. *See* C.F.R. § 404.315.

Add to all that, the trial court's calculation is based on the fact that Mr. Bean "did not receive Social Security benefits for seven years because of [Attorney Sineni's] negligence." (A20). This, too, is unsupported. Mr. Bean learned in 2019 that his Social Security claim was denied. (A16). But Mr.

¹² The correct timeline is reflected in the docket in the U.S. District Court for the District of Maine, but Mr. Bean never introduced the docket report or *any* of the pleadings in the Social Security matter.

Bean never proved that Attorney Sineni’s negligence prevented him from receiving benefits *after* 2019. Mr. Bean altogether failed to establish that something Attorney Sineni did, or failed to do, prevented him from successfully applying for benefits in the interregnum between 2019 and 2024.¹³

Lastly, Mr. Bean is entitled to compensation for Attorney Sineni’s negligence, but he is not entitled to benefit from it. *See Moores v. Greenberg*, 834 F.2d 1105, 1111 (1st Cir. 1987) (“[T]he fundamental purpose of [legal malpractice] damages is to compensate a plaintiff, not punish a defendant.”). Even if Mr. Bean is entitled to damages, and even if those damages are calculated from the year 2017 to 2024, the proper award is not some speculative average. The trial court determined Social Security-related damages by assuming that Mr. Bean would have received an average of \$875 per month. (A20 n. 8). While the trial court correctly acknowledged “fluctuations in the annual cost of living increases for Social Security benefits,” it appears that neither the court nor Mr. Bean ever discerned the

¹³ Because anything Social Security-related was not part of the default judgment, other legal doctrines are at play. Regarding Mr. Bean’s failure to see a neurologist, *see e.g. Walter v. Wal-Mart Stores, Inc.*, 2000 ME 63, ¶ 27, 748 A.2d 961 (discussing the concept of comparative negligence and explaining that if the plaintiff’s fault is equal to or greater than the defendant’s fault, the plaintiff recovers nothing). Regarding Mr. Bean’s failure to reapply for Social Security until 2024, *see id.* ¶ 27 n. 7 (a plaintiff has a duty to mitigate damages; a plaintiff must take reasonable steps to avoid or reduce damages that were proximately caused by the negligence of the defendant.). These concerns underscore the problem with awarding damages when liability and causation have not been established.

actual cost of living adjustments during the pertinent period. (A20 n. 8). The court's "average" of \$875 is not supported; it is uncertain guesswork.

The proper remedy is to vacate all damages for anything related to Social Security. Alternatively, it is necessary to remand the case to the trial court so that the court can make a more concrete calculation of the actual damages. Imaginary numbers supported by best-case hypotheticals might be enough to support a claim about a pretend jury verdict, but such suppositions do not work with regard to Mr. Bean's Social Security claim, where the "cost of living fluctuations" are readily and easily attainable.

CONCLUSION

For the reasons stated above, the Court should (1) vacate the judgment and remand for an award of damages based on the record adduced at the hearing held on August 5, 2025 only; (2) vacate those portions of the judgment awarding \$500,000 in emotional damages related to legal malpractice; and (3) vacate those portions of the judgment awarding compensatory damages related to Social Security benefits.

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Respectfully submitted,
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CERTIFICATE OF FILING & SERVICE

I have filed this brief, and served opposing counsel, as listed on the service list, in compliance with M.R. App. P. 1D(c), 1E and 7(c).

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