

STATE OF MAINE
SUPREME JUDICIAL COURT
SITTING AS THE 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 DOUGLAS BEAN – APPELLEE

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INTRODUCTION AND SUMMARY

On October 11, 2010, Doug Bean was in a catastrophic accident with a dump truck. The dump truck hit Doug's car three times, leaving the car demolished and Doug unconscious. Doug suffered disabling injuries, the most serious of which was a traumatic brain injury. Doug was thirty-eight years old at the time of the accident, and the crash left him incapacitated and with cognitive deficits. Doug has been unable to return to work since the accident.

Doug hired Attorney Anthony Sineni to represent him with respect to getting social security disability payments and to represent him in a lawsuit against Superior Trucking, the owner of the dump truck. Attorney Sineni did very little work on the cases and failed to meet deadlines in both matters. The social security case was dismissed in 2016 for Attorney Sineni's failure to file a brief. Similarly, on January 15, 2018, the Superior Court (Justice Walker) dismissed the Superior Trucking lawsuit as a sanction for numerous discovery violations. Justice Walker stated that Attorney Sineni "repeatedly and, almost dutifully, flouted basic discovery obligations" and "displayed a pattern of obstinate noncompliance in prosecuting the case." Similarly, the Supreme Judicial Court sanctioned Attorney Sineni for his actions in the Bean case for "intentional" and "knowing" misconduct.

Sineni failed to notify Doug of the dismissals and instead gave Doug letters stating that Sineni was continuing to work on the social security case. Doug did not

learn of the dismissals until January 2019 when he went to the courthouse and looked at the file because he was getting no response from his lawyer.

Bean brought this case alleging attorney malpractice. Sineni defaulted, and following a damages hearing, the Superior Court entered judgment in the sum of \$1,323,500, comprised of \$750,000 for negligence in the Superior Trucking case, \$73,500 for negligence in the social security disability case, and \$500,000 for emotional distress. Attorney Sineni appeals, alleging three errors.

First, Attorney Sineni alleges that the trial court erred in allowing a second day to complete the damages hearing. This was a discretionary decision by the trial court, and Sineni has no good argument against it.

Second, Attorney Sineni alleges that emotional distress damages were inappropriate because this was not intentional or knowing acts, not egregious conduct and was simply garden-variety negligence. However, the facts of the case show that his misconduct was extremely egregious misconduct.

Third, Attorney Sineni argues that the claim with respect to the social security disability should not be allowed because it was not alleged in the complaint. However, under rules of notice pleading, it did not need to be explicitly alleged. Moreover, Attorney Sineni not only failed to preserve this objection, but he tried the issue by consent.

BACKGROUND AND PROCEDURAL FACTS

1. Automobile Accident.

On October 11, 2010, Doug Bean was seriously injured in a collision with a large dump truck. Doug was thirty-eight years old at the time, and it was a catastrophic accident. 1Tr. 112.

On Payne Road in Scarborough, a dump truck suddenly merged into Doug's lane, hitting the left rear quarter panel of his car, then slamming into the driver's door without stopping and continuing about 75 feet until hitting a curb. 1Tr. 113. There were two eyewitnesses to the accident: Max Prager and Craig Pariseau. Max Pranger, stated that "the dump truck, without any signal veered suddenly right into Mr. Bean's car and continued forward." The dump truck "literally ran him (Bean) over and made him into a speed bump." The two eyewitnesses described the accident as "bizarre" and "surreal" and were "dumbfounded," especially because the dump truck did not stop after hitting Doug's vehicle and kept going down the road. The eyewitness statements are contained in Exhibit 3. Sineni stated that the report "seems to be consistent with what they told me." 1Tr. 42: 12. Their statements were also consistent with Doug's memory. 1Tr. 114-115.

Attorney Sineni described the accident as occurring in the following manner:

[O]ne of Defendant's dump trucks hit Plaintiff's car while merging into his lane at an intersection near the Maine Mall. When Defendant's truck hit Plaintiff's car, without breaking, the car was pushed 50 to 75 feet from the front

of the dump truck, spun into the median, and was then side swiped by the dump truck. In total, the defendant's vehicle struck Mr. Bean 3 times as his vehicle spun and rolled. Mr. Bean was unconscious after the accident and sustained major injury.

Exhibit 13, p. 7; 1Tr. 52. Sineni stated that what he described was accurate, and he had support for all the statements that he made to the court. Tr. 46.¹

There was no evidence that the accident was caused by any negligence of Doug. Rather, all the fault was attributed to the driver of the dump truck. Plaintiff's expert – Attorney Mark Randall – stated that it was a strong liability case with the potential to inflame a jury. 2Tr. 34-35.

2. Medical Treatment from the Accident.

As a result of the accident, Doug lost consciousness and sustained major injury. 1Tr. 52. He was transported to the emergency room at Mercy hospital.

Doug sustained a traumatic brain injury and injuries to his neck, spine, hip, back, shoulder and both legs. 1Tr. 115. The most significant injury was to his head, including his cognitive recall, vision, headaches, light sensitivity, memory, concentration, word retrieval, and insomnia. 1Tr. 116; *see also* Exhibit 5 (describing the many problems that Doug has sustained due to this accident). Doug continues to

¹ Importantly, Attorney Sineni stated that in representing Doug, he did not make any misrepresentations in his motions to the court and he had factual support to back up each of the statements he made to the court. 1Tr. 46. This was an important statement as it pertains to all Sineni's statements that he made to the court in Exhibits 9 and 13.

suffer all these problems from the brain injury in the accident. 1Tr. 117. Attorney Randall testified that the traumatic brain injury was the largest category of physical injuries, especially because the impact was permanent, with cognitive and behavior changes. 2Tr. 41-42.

Following the accident, Doug had significant problems with mobility. Doug had to get around with a walker, or canes, and sometimes he had to crawl. 1Tr. 118. Attorney Sineni states the accident caused Doug to be “confined to his home in Standish, Maine.” 1Tr. 49-50; Exhibit 9, page 2. Doug received much treatment for his injuries, including physical therapy, chiropractic therapy, OMT therapy, and neurological therapy. 1Tr. 118-119.

Doug testified that he incurred medical expenses of over \$130,000 from the accident. 1Tr. 132. Attorney Sineni admitted that all Doug’s medical expenses were as a result of the accident. In January 2019 – more than eight years after the accident – Sineni acknowledged that Doug “has had nearly constant well documented medical care since the injury that brings him before the Court. This medical care is all attributable directly to the negligence of the Defendant [Superior Trucking] and goes on to this day. The accident literally destroyed the life of [Doug].” Exhibit 13, page 6-7; 1Tr. 51; *see also* Exhibit 9, page 6-7 (listing eight of Doug’s treatment providers). Attorney Sineni further admitted that Doug’s “ongoing severe medical complications resulting from the accident have significantly negatively impacted his

life. His care is well documented with over eight treatment providers and thousands of pages of medical records.” Exhibit 13, page 8; 1Tr. 52-53.

Attorney Randall testified regarding several additional medical providers who were important and omitted by Attorney Sineni. This included Dr. Herzog (who treated Doug for whole body pain), Dr. Peter Morse (who stated the concussion affected Doug’s vision), Dr. MacArthur (a chiropractic neurologist who treated Doug for post concussive syndrome), and Dr. Kaminow (a neurologist, who noted Doug had cognitive and behavior changes as well as hearing loss). Exhibit 21, pages 4-6; *see also* 2Tr. 18, 19, 38, 42, 44, 55, 71.

3. Lost Wages from the Accident.

At the time of the October 11, 2010 accident, Doug was a vibrant 38-year-old man, and the father of a three-year old daughter. Doug had a college degree, where he had concentrated his studies on music production and business. 1Tr. 104.

Doug was an active person who did many athletic outdoorsy activities, such as rock climbing, whitewater rafting, mountain biking, kayaking, sailing, snowboarding, and skiing. 1Tr. 110-111. He was very active in these pursuits as he travelled in Maine, as well as to Arizona, California and the Virgin Islands to pursue these activities. 1Tr. 108, 109, 111.

Doug described his solid and constant employment history, with several jobs and steady work. He was one of two partners who founded the first indoor rock

climbing gym in Maine which he operated for many years. 1Tr. 105-106. In addition, Doug worked as a licensed whitewater rafting guide, as a licensed EMT, and a techno deejay. 1Tr. 107-109. Doug testified that prior to the accident, his income was never less than \$4,000 to \$5,000 per month. 1Tr. 111-112. In addition to that income, Doug described how he made significant money in producing rave parties, where he would make \$25,000 to \$75,000 per event. 1Tr. 110, 112.

As a result of the injuries from this accident, Doug has not returned to work. 1Tr. 131. Attorney Sineni admitted that Doug's "pain and injuries are so severe, he is incapacitated and cannot sustain employment." 1Tr. 49; Exhibit 9, page 2.

Doug's lost wages from the accident were massive. At the time of the damages hearing – fifteen years after the accident – Doug's past lost wages were approximately \$1,000,000 plus continuing future lost wages. At the time the lawsuit would have gone to trial in 2018 or 2019, his lost wages were already \$500,000 with continuing lost wages in the future. Obviously, the lost wages were linked to the accident and would have been recoverable if the Superior Trucking lawsuit went to trial as the accident was a substantial contributing factor. *See, e.g.*, Exhibit 6; the admissions of Attorney Sineni in Exhibits 9 and 13; 1Tr. 131.

4. The Social Security disability claim was dismissed.

On December 21, 2012, Doug Bean and Attorney Sineni entered into an Attorney Fee Agreement with regard to a social security disability claim. 1Tr. 18; 1Tr. 133; Exhibit 1 (the fee agreement).

Attorney Sineni stated that Doug had a good disability claim. 1Tr. 20. There are numerous occasions in the record where Sineni and the medical providers state that Doug was incapacitated, unable to work, confined to his home, and that his life was destroyed. *See, e.g.*, Exhibit 5 (“he is unable to work for any length of time without pain and discomfort”); Exhibit 6 (“unable to sustain employment”); Exhibit 9, page 2 (“Since Plaintiff’s pain and injuries are so severe, he is incapacitated and cannot sustain employment”); Exhibit 13, page 7 (“This accident literally destroyed the life of Plaintiff”); Exhibit 13, page 8 (“unable to sustain employment for an indefinite period of time” and “unable to lift more than 10 pounds, bathe himself, stand for more than 20 minutes, or sit for more than 30 minutes”).

The evidence at the damages hearing made it uncontroverted that Doug was disabled following the October 11, 2010 accident. 1Tr. 131. Attorney Sineni lead Doug to believe that it would not take long to get disability, no more than one or two years. 1Tr. 134-135. However, Sineni failed to file a brief and the disability claim was dismissed in 2016. 1Tr. 135.

After the claim was dismissed, Attorney Sineni failed to tell Doug that important fact. Instead, Attorney Sineni affirmatively told Doug in writing in 2017

and 2018 that he was still representing Doug in obtaining social security benefits. 1Tr. 139; *see* Exhibits 15, 19. In 2017 and 2018, Doug thought that he was being represented by Sineni in obtaining social security benefits, but this was a misrepresentation by Attorney Sineni to his client, because the social security case was dismissed in 2016. 1Tr. 135. Doug did not learn until 2019 that the social security case had been dismissed. 1Tr. 157-158.

In June 2024, Doug was able to obtain social security disability benefits at the rate of \$967 per month while representing himself, making it even more clear that Attorney Sineni should have secured these benefits for Doug. 1Tr. 135.

5. The case against Superior Trucking was also dismissed.

Attorney Sineni led Doug to believe that a lawsuit had been filed with respect to the truck accident almost immediately after Doug retained him in 2012. 1Tr. 147. However, the case was not filed until September 7, 2016 - shortly before the expiration of the six-year statute of limitations. 1Tr. 147; Exhibit 4 (the complaint).

Superior Trucking had a million dollars of insurance coverage. 1Tr. 147. Attorney Sineni told Doug that the case was worth a million dollars or more. 1Tr. 147. Doug was counting on this money. 1Tr. 147.

After filing the lawsuit, Attorney Sineni failed to follow through with pursuing the case. Rather, the evidence is that he never served any discovery on the defendant trucking company. 2Tr. 26; Exhibit 21, pages 1-2. Moreover, he engaged

in an escalating pattern of professional neglect and procedural failure. Attorney Sineni failed to prosecute the case with any type of diligence. He missed deadlines, made misrepresentations to the court, and ignored discovery obligations. Attorney Sineni's original deadline to designate experts was January 24, 2017. The deadline was extended several times, and Attorney Sineni failed to comply with the deadlines every time, in what became an engrained pattern. *See* Exhibit 11 (dismissal order).

A year after the original deadline for designating experts (January 24, 2017), Justice Walker entered a scathing dismissal order on January 15, 2018 and severely admonished Attorney Sineni. The Order provides:

Any one of Plaintiff's discovery violations would be grounds for sanctions in this case. For several months, Attorney Sineni has been on notice that his actions are under close scrutiny. At both hearings on the discovery disputes in this case, the Court repeatedly admonished Attorney Sineni for his conduct during this litigation while exhibiting forbearance and allowing him more time to comply with garden-variety discovery obligations ... Attorney Sineni appears to have made what can only be reasonably be characterized as misrepresentations to the Court that he produced a document to Defendant that would constitute an expert witness designation ... This is not, as Plaintiff's counsel would have it, a riddle wrapped in a mystery, inside an enigma. A simpler, Occam's Razor explanation based on the empirical timeline is that [Attorney Sineni] has repeatedly and, almost dutifully, flouted basic discovery obligations despite repeated chastising by the Court with one hand and allowing for his redemption with the other.

Plaintiff has displayed an obstinate noncompliance in persecuting this case. ...

... Dismissal is never an appropriate sanction if it is not appropriate in this case. The sanction of dismissal is warranted.

Exhibit 11, page 8-9.

On February 8, 2018, Attorney Sineni appealed the dismissal to the Law Court. 1Tr. 88; Exhibit 12. Attorney Sineni states that the appeal had a fifty percent chance of success. 1Tr. 89. However, in continuing his pattern of missing deadlines, Attorney Sineni failed to timely file a brief. 1Tr. 89. On May 23, 2018, the Law Court dismissed the appeal “due to Sineni's failure to make the required filings.”

Exhibit 14, page 18; 1Tr. 89

6. Doug belatedly learns of the dismissals.

Doug had many issues being able to communicate with Attorney Sineni. Attorney Sineni would often not participate in scheduled telephone calls. 1Tr. 144. Doug's emails to Sineni went unanswered. 1Tr. 144. On two occasions, there were six-month periods where Doug could not get a response from his attorney. 1Tr. 146. Doug asked to be cc'ed on everything in the case, but Sineni failed to send him anything. 1Tr. 144.

Doug did not know that there was anything wrong with the lawsuit. 1Tr. 148. Although Justice Walker dismissed the case on January 15, 2018, Attorney Sineni failed to inform his client. 1Tr. 148.

When the two cases were dismissed, Attorney Sineni failed to share this information with his client. 1Tr. 148. Rather, Attorney Sineni acted as though the cases were continuing along. *See, e.g.,* Exhibits 15, 19.

In January 2019, because Doug could not get a response from his attorney, he went to the courthouse and asked to look at the file. 1Tr. 148. The clerk informed Doug that the case had been dismissed and showed him the file. 1Tr. 148-149. It was at that time that Doug learned that the Court had dismissed the case a year earlier in January 2018. *See* Exhibit 11 (the Order dismissing the lawsuit as a discovery sanction). At the same time or a couple months later, Doug also learned that his disability claim had previously been dismissed in 2016. 1Tr. 158.

Doug was really crushed to get this news. The accident with the dump truck had robbed and stolen his life, including his ambition, his jobs and his relationship with his daughter. 1Tr. 147-148. Doug was counting on getting a large judgment, and relying on what Sineni told him, he thought it would be a million dollars or more. 1Tr. 147. Doug stated that this betrayal by Attorney Sineni effected his state of mind “pretty severely, knowing that everything from my house to my relationship with my daughter and other loved ones would end.” 1Tr. 151. Doug “became pretty depressed and kind of lost hope. Kind of lost hope in ever getting any semblance of my life back and ever making it.” 1Tr. 150. Consequently, Doug experienced depression, panic attacks, insomnia and went “to some pretty dark places in my

head.” 1Tr. 150. The actions by Sineni caused Doug to lose his trust in everyone, including his trust in his current attorney. 1Tr. 151; 1Tr. 149 (“it destroyed my trust with life and people in general”).

7. Bar Discipline of Attorney Sineni.

The Board of Overseers of the Bar brought a disciplinary action against Attorney Sineni for his actions with Doug Bean, among others. The Supreme Judicial Court entered an order on its findings and sanctions. *See* Exhibit 14. Mr. Sineni stated he agreed with all the statements in the Order making findings and imposing sanctions against him. 1Tr. 91. The Order provides that “Sineni’s actions were sometimes intentional and other times knowing.” Exhibit 14, page 22. It further states, “At times that misconduct was serious and intentional; other times, Sineni’s misconduct was knowing or reckless.” Exhibit 14, page 22-23.

Count IV concerns Sineni’s misconduct with respect to Doug Bean. 1Tr. 90. In regards to Doug’s case, the parties agreed that Attorney Sineni violated Maine Rules of Professional Conduct: 1.3; 3:2; 3.3(a); 3.4(c) and 8.4(a)(c)(d). *See* Exhibit 14, paragraph 105.

In addition to order from Justice Walker (Exhibit 11) and the Order sanctioning Attorney Sineni (Exhibit 14), there was additional evidence of the negligence of Attorney Sineni. This included not diligently working on Doug’s case, not doing a demand letter; not following the scheduling order, not propounding

discovery, failing to communicate with Doug in a timely fashion, and failing to keep Doug informed, such as when the cases got dismissed. 1Tr. 144-148; 2Tr. 22-28; Exhibit 21, pages 1-2.

8. Complaint and Attachment.

Douglas Bean initiated this lawsuit with a complaint alleging legal malpractice that was filed with the court on October 18, 2022. Sineni failed to respond to the complaint. Accordingly, on February 2, 2023, the court entered a default. Sineni never moved to remove the default.

On February 9, 2023, Bean filed a motion for attachment, making it explicit that the plaintiff was seeking damages for (1) Sineni's negligence in a lawsuit against Superior Trucking arising out of a motor vehicle accident from October 11, 2010, (2) Sineni's negligence in the social security disability case, and (3) Bean's emotional distress damages.

On February 22, 2023, the Superior Court entered an Order granting the motion for attachment. The Order stated, "The Court finds that it has made all requisite findings and Plaintiff has demonstrated that it is more likely than not that Plaintiff will succeed in this action against the Defendants and Plaintiff will secure a judgment equal to or greater than \$1,344,500 together with costs and interest." This amount in the Court's order included damages for Sineni's negligence in the social security case.

By seeing the motion for attachment, as well as the court's order thereon, Sineni was given full notice in February 2023 – approximately two and a half years before the hearing on damages – that Doug Bean was seeking damages for Sineni's negligence in the social security case. Sineni never objected to the court's order or sought reconsideration. Nor did he object to evidence regarding social security at trial as he even offered testimony and questioning on that subject. *See, e.g.*, 1Tr. 134-135 (no objections to testimony regarding social security case); 152 (no objection to Sineni letters); 172-173 (Sineni questioning Doug regarding the social security case), 190 (same), 200 (Sineni testifying as to the social security case).

9. Impact of the Default.

The Superior Court entered a default on February 2, 2023. This default established all the elements of the case, including causation. *See Haskell v. Bragg*, 2019 ME 33, ¶¶ 14, 17 (defendant not entitled to contest causation after the default).

At a hearing on damages, the trial court has discretion in deciding the degree to which the court will allow the defendant to participate in the hearing. *Boit v. Brookstone Co., Inc.*, 641 A.2d 864 (Me. 1994). This Court has previously stated that “in all default cases it is a matter within the sound discretion of the court to decide the scope of the defendant's participation necessary and proper to determine the damages. In exercising that discretion the court should be alert that no fraud is

perpetrated on the court and that the chance for error in setting damages is kept to a minimum.” *Firth v. City of Rockland*, 580 A.2d 694, 697 (Me.1990).

In this case, there was no pretrial conference or order prior to the damages hearing. Until the hearing began, the parties were unsure how much the trial court was going to allow Attorney Sineni to participate in the hearing.

10. Trial court decision.

A hearing on the damages was held on August 7, 2025 and August 21, 2025. Three witnesses testified at the hearing: Anthony Sineni, Doug Bean, and Attorney Mark Randall who is Bean’s expert witness.

Following the hearing, the trial court issued a written decision October 7, 2025, and the court entered judgment in favor of Bean in the sum of \$1,323,500 plus interest and costs. A 24. The court awarded damages of \$750,000 from malpractice in the Superior Trucking lawsuit, \$73,500 from malpractice in the social security disability claim, and \$500,000 in emotional distress damages. A. 9-12.

ARGUMENT

ISSUE 1: THERE WAS NO ERROR IN ALLOWING A SECOND DAY OF TESTIMONY.

1. The *Brooks* case is not applicable to this case.

On the morning of the first day of the damages hearing, Attorney Sineni submitted a motion in limine, arguing that *Brooks v. Lemieux*, 2017 ME 55 requires a plaintiff in a legal malpractice claim to have a legal malpractice expert opinion to

establish causation. On appeal, Attorney Sineni still largely centers his argument around the contention that the *Brooks* case requires a legal malpractice expert opinion at the damages hearing and that counsel for Bean should have known this law. There are several problems with this contention.

First, the case relied on by Sineni – *Brooks v. Lemieux*, 2017 ME 55 – stands for the proposition that at the summary judgment stage, a plaintiff in a legal malpractice hearing must present expert testimony to establish causation. *Brooks*, 2017 ME 55, ¶ 14. In *Brooks*, this Court relied on *Johnson v. Carleton*, 2001 ME 12, ¶¶ 14-15, another case decided at summary judgment on the issue of causation. Accordingly, the *Brooks* case is much different from this case because (1) it was decided on summary judgment and not after the entry of a default, and (2) the issue of causation may not be contested at a damages hearing. *See Haskell v. Bragg*, 2019 ME 33, ¶ 11, 17 (after a default, the defendant “was not entitled to litigate causation because the entry of default established that Bragg was negligent and that his negligence was the cause of Haskell and Witham’s damages.”). In the motion in limine (as well as the Blue Brief), Sineni fails to cite any case providing that expert testimony is necessary after a default. Indeed, there is no good law that a legal expert is required to testify at a damages hearing as the law is that causation may not be contested.

Second, if an expert was required, Attorney Sineni testified and made admissions which clearly establish causation and damages. These admissions included the following:

- Attorney Sineni stated that he did his best to be accurate in his submissions to the court, that he was careful to describe the case accurately, that he did not tell the court anything false, and that he had the support to back up the statements that he made to the court. 1Tr. 46.
- Sineni stated: “Plaintiff’s ongoing severe medical complications resulting from the accident have significantly negatively impacted his life. Since the accident, and to this day, plaintiff has been unable to care for his young daughter.” Exhibit 9, page 2; 1Tr. 48; *see also* Exhibit 13, page 8; 1Tr. 53.
- Sineni stated: “Due to neurological injuries resulting from a concussion sustained during the accident, Plaintiff’s mental faculties, from the accident and concussion sustained during it, have been exponentially deteriorating, making it difficult for him to meaningfully participate in his own litigation Process.” Exhibit 9, page 2; 1Tr. 49.
- Sineni stated: “Since Plaintiff’s injuries are so severe, he is incapacitated and cannot sustain employment.” Exhibit 9, page 2; 1Tr. 49.
- Sineni stated that the treatment from medical professionals treating Doug in 2017 “was ongoing treatment for injuries received in the motor vehicle accident at bar.” Exhibit 13, p 5; 1Tr. 51.
- As of 2019, Sineni stated: “Bean suffered a horrific injury as a result of Defendant’s negligence that has affected his quality of life and physical wellbeing to this very day.” Exhibit 13, page 6; 1Tr. 51.

- In January 2019, Sineni stated: “He has had nearly constant well documented medical care since the injury that brings him before the court. This medical care is all attributable directly to the negligence of the Defendant and goes on to this day.” Exhibit 13, page 6-7; 1Tr. 51.
- Sineni stated: “This accident literally destroyed the life of Plaintiff Douglas Bean.” Exhibit 13, page 7; 1Tr. 51.
- Sineni stated: “Mr. Bean was unconscious after the accident and sustained major injury.” Exhibit 13, page 7; 1Tr. 52.
- Sineni stated: “As a result of Defendant’s negligent operation of its vehicle, Plaintiff suffered and continued to suffer debilitating physical and psychological damages.” Exhibit 13, page 7; 1Tr. 52.
- Sineni stated: “Plaintiff’s ongoing severe medical complications resulting from the accident have significantly negatively impacted his life.” Exhibit 13, page 8; 1Tr. 52.
- Sineni stated: “the Court handed down a death knell discovery sanction dismissing a case that arguably would have yielded a judgment in the hundreds of thousands of dollars.... It left a Plaintiff still suffering.” Exhibit 13, page 16; 1Tr. 56.

Third, even if an expert was required and Attorney Sineni’s admissions were not enough, Plaintiff had an expert witness: Attorney Mark Randall. Attorney Randall testified at length on the second day of the damages hearing. To the extent that there was any lack of evidence in the record on the first day of the hearing,

Attorney Randall’s testimony established the issue of causation. *See, e.g.*, 2Tr. 45-47; Exhibit 21.

2. The court did not grant a “continuance.”

The blue brief creates confusion by incorrectly and inconsistently using the term “continuance.”² The term “continuance” means the postponement or delay of the trial date. A “continuance” would be where the parties did not have the damages hearing on August 5, 2025, but rather, set a different date to come back and start anew. This is how the term is used in Maine Rule of Civil Procedure 40 as well as the Legal Glossary for the State of Maine Judicial Branch.³

In this case, Bean’s counsel requested a continuance at the start of the hearing on August 5, 2025. The court denied the continuance. Instead, the court wanted to go forward with the testimony of two witnesses. A. 31; 1Tr. 11.

Ultimately, the court decided to provide part of a second day for the damages hearing. That was not granting a continuance because it was not a postponement or delay of the hearing date. The court provided additional time to complete the hearing.

² At the damages hearing, the parties used the term correctly at times and incorrectly at other times.

³ The cases cited by Sineni (Blue Br. at 25-26) – *Provenzano v. Deloge*, 2000 ME 149, ¶ 11; *Daud v. Abdullahi*, 2015 ME 48, ¶ 7; *State v. Dube*, 2014 ME 43, ¶ 13 – all use “continuance” to mean the postponement or delay of the hearing date to a new date.

Accordingly, when Sineni argues “Mr. Bean should not have received a continuance,” that is misleading. Blue Br. at 22. The court did not grant a continuance. The court provided additional time to conclude the damages hearing.

3. Early on the first day of the hearing, the trial court made it clear that a second day of testimony may be necessary.

Sineni argues that “Mr. Bean could not have been reasonably misled to believe he would receive a continuance.” Blue Br. at 23. Considering the trial court’s discretion in managing its docket and allowing a second day, this argument does not really matter to the merits of deciding the issue. But nonetheless, it is unpersuasive.

Early on the first day of the damages hearing, Bean’s counsel stated that he could get his expert witness, stating, “but I can still get him.” A. 31; 1Tr. 11:3. Bean’s counsel asked for a recess to bring in the expert (while misusing the term “continuance” to mean short break to call his expert). A. 31; 1Tr. 11:12-13.

In response, the trial court stated that she would not continue the hearing date. She further stated on four occasions that she was amenable to allowing Bean to call the expert witness later, as follows:

- “And if I am still wanting more information at the end of your two witnesses, I will let you know that.” A. 31; 1Tr. 11: 16-18.
- “Thank you. All right. Then, I’m going to let you go ahead and start Mr. Hepler, and we’ll see where we end up after your presentation and whether the Court believes more is

necessary.” A. 33; 1Tr. 13: 21-24.

- “But that can be something we discuss further as we get past these two witnesses.” A. 40; 1Tr. 64: 18-20.
- “I don’t think that only Attorney Sineni and Mr. Bean are going to get us where we need to be.... But let’s see where we are at the end of the presentation of these two witnesses.” A.41; 1Tr. 65:16-25.

These quotes show that the trial court was not requiring the Plaintiff to call the expert witness on the first day of the hearing and was leaving it open to have a second day.

4. The court did not abuse its discretion in allowing a second day.

The trial court had three reasons for allowing a second day of the hearing: First, the court stated that “I can see why you thought that I was going to give you a continuance to call your expert another day.” A.60; 1Tr. 207:21-23. Second, the court relied on the fact that Sineni’s motion in limine was not filed until the day of the hearing without any advance notice. A. 58; 1Tr. 205: 14-16. Third, the court recognized that more time was needed to complete the hearing, as the court stated, “given the late hour and the facts that, if your witness was here, we wouldn’t reach him anyway.” A. 58; 1Tr. 205: 18-20.

There is no error with this decision to allow additional time. It is well reasoned and within the sound discretion of the court.

As with the review of other procedural decisions by a trial court, the standard of review in the case is abuse of discretion. This Court reviews the trial court's decision on a continuance for abuse of discretion. *Provenzano v. Deloge*, 2000 ME 149, ¶ 12. Similarly, trial courts have been afforded broad discretion and inherent power in how to manage their docket. *See, e.g., City of Bangor v. Citizens Commc'ns Co.*, 532 F.3d 70, 99 (1st Cir. 2008) (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)) (“[a] district court enjoys inherent power to ‘control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.’”).

Attorney Sineni has shown no abuse of discretion by the trial court, nor has he even cited to a case where this Court has found an abuse of discretion in a similar case. Instead, Sineni cites three cases – *Provenzano v. Deloge*, 2000 ME 149, ¶ 11; *Daud v. Abdullahi*, 2015 ME 48, ¶ 7; *State v. Dube*, 2014 ME 43, ¶ 13 – but the cases are not persuasive or helpful to him. In each of the cases, the Law Court concluded that the trial court did not abuse its discretion in denying motions to continue the trial date.

5. There were significant damages shown on the first hearing day.

Sineni contends that in the first day of testimony, there was no evidence on damages and that “the only evidence before the court about damages came from him when he opined that a jury would have returned a verdict against Superior Trucking

in the range of \$35,000 to \$50,000.” Blue Br. at 20.⁴ This assertion is plainly false. There was significant evidence on the first day of the damages hearing regarding recoverable damages against Superior Trucking.

A. Sineni said it was a million dollar case and made many admissions.

Attorney Sineni gave competing variations on the value of the case. Sineni told Doug that the Superior Trucking case was worth a million dollars or more. 1Tr. 147. Moreover, there was insurance coverage for Superior Trucking in the sum of one million dollars. 1Tr. 147. In addition, Attorney Sineni represented to the trial court that the case was worth in the “hundreds of thousands of dollars.” 1Tr. 56; Exhibit 13, page 16.

In addition to these admissions regarding the value of the case, Attorney Sineni admits to many other facts and circumstances that clearly establish that Doug Bean had an enormous case against Superior Trucking, including many years of medical treatment, many years of lost wages, not being able to care for his daughter, the destruction of Doug’s life, and for significant pain and suffering. *See* 1Tr. 47-57; Exhibits 9 and 13.

With these admissions, Sineni acknowledged that Doug Bean suffered massive injuries from the Superior Trucking accident and that all of Doug’s medical

⁴ As a remedy, Sineni contends that the case should be remanded for the trial court to determine what damages were established at the first day of the hearing while ignoring the second day. Blue Br. 27. There is no authority for this request, nor does it make any sense.

care from October 11, 2010 to 2019 was attributable to the accident, that Doug was incapacitated and unable to work from the accident, and unable to care for his daughter. These facts make it obvious why Attorney Sineni told Doug that the case was worth at least a million dollars. These admissions further establish both (1) causation between the negligence and the loss of a huge jury award in the Superior Trucking lawsuit and (2) that the damages in the Superior Trucking lawsuit were massive, as the damages included all of the medical care after the accident, the inability to work following the October 11, 2010 accident, and the complete destruction of Doug's life. These admissions further demonstrate that Doug Bean would have achieved a more favorable result in the Superior Trucking lawsuit but for Attorney Sineni's negligence in causing the case to be dismissed.

Attorney Sineni may try to contradict his earlier statements by now belittling the value of the case. However, it was obvious to the trial court that Attorney Sineni was not being truthful.

B. Past and Future Lost Wages.

Prior to the accident, Doug had a solid history of employment. However, the accident was a substantial contributing factor to Doug becoming unable to work. Doug described his injuries, including the problems from the head injury and his severe mobility problems, and he testified regarding his inability to return to work. 1Tr. 115-119, 131. His inability to work was also stated by Doug's treating medical

provider (Exhibit 6) and contained within the admissions of Attorney Sineni (Exhibits 9 and 13). For example, Sineni stated: “Since Plaintiff’s injuries are so severe, he is incapacitated and cannot sustain employment.” 1Tr. 49; Exhibit 9, page 2. Doug was making at least \$4,000 to \$5,000 per month plus significant additional compensation when organizing rave parties. 1Tr. 112.

The lost wages were massive. By the expected trial date in 2018, the lost wages were well over \$500,000, plus future lost wages of an even larger amount. Attorney Sineni failed to produce any evidence to the contrary. This fact is very hard to contest, and Attorney Sineni made some very important admissions on this point in his prior submissions to the court. Exhibits 9, 13.

C. Medical Expenses.

Doug testified that there were medical expenses of over \$130,000 from the accident. 1Tr. 132. Attorney Sineni failed to contest this evidence. Instead, Attorney Sineni admitted that all of Doug’s medical expenses were as a result of the accident. As acknowledged by Attorney Sineni, “He [Doug] has had nearly constant well documented medical care since the injury that bring him before the Court. This medical care is all attributable directly to the negligence of the Defendant and goes on to this day.” Exhibit 13, pages 6-7; 1Tr. 51.

D. Pain and Suffering.

Doug was recovering well from a previous accident when the dump truck accident occurred. Doug testified at length regarding how this accident completely changed his life. He went from being a very active outdoorsy person who worked as a licensed guide and EMT and techno deejay and became a person who could hardly take of himself or his three year old daughter. Doug was completely changed by this accident and sustained tragic injuries. 1Tr. 117 (still has continuing problems from the head injury), 147 (“My life was robbed and stolen from me.).

For example, Attorney Sineni stated that as of 2019 – more than eight years after the accident: “Bean suffered a horrific injury as a result of Defendant’s negligence that has affected his quality of life and physical wellbeing to this very day.” Exhibit 13, page 6. Sineni stated: “This accident literally destroyed the life of Plaintiff Douglas Bean.” 1Tr. 51; Exhibit 13, page 7.

Doug was “confined to his home in Standish” and “unable to pay his bills.” Exhibit 9, page 2; 1Tr. 49. Without any income, Doug had to survive by “receiv[ing] financial assistance form the Town of Standish.” Exhibit 9, page 2.

Attorney Sineni further stated that “Plaintiff’s ongoing severe medical complications resulting from the accident have significantly negatively impacted his life. Since the accident, and to this day, plaintiff has been unable to care for his young daughter.” Exhibit 9, page 2. He further stated that: “Due to neurological injuries

resulting from a concussion sustained during the accident, Plaintiff's mental faculties, from the accident and concussion sustained during it, have been exponentially deteriorating, making it difficult for him to meaningfully participate in his own litigation Process." Exhibit 9, page 2.

Accordingly, there was a substantial amount of evidence of damages submitted on the first day of the damages hearing.

ISSUE 2: THE COURT APPROPRIATELY FOUND EMOTIONAL DISTRESS DAMAGES.

1. We assume the court made all findings to support its decision.

Attorney Sineni argues that the trial court's decision to award emotional distress damages is based on speculation and the emotional distress damages could have been a result of the collision itself. Blue Br. at 31-32. This argument is unpersuasive because Attorney Sineni failed to bring a motion under Rule 52.

In the absence of a proper motion for specific findings of fact and conclusions of law pursuant to Rule 52, the Law Court assumes the trial court found all the necessary facts to support its judgment. *Powell v. Powell*, 645 A.2d 622, 623-24 (Me. 1994). When the trial court has not been asked to make findings of fact, the Law Court assumes that the trial court found all facts necessary to support its decision. *Williams v. Ubaldo*, 670 A.2d 913 (Me. 1996).

Inasmuch as Sineni failed to bring a motion pursuant to Rule 52, this Court must assume that the trial court made all necessary factual findings to support its

judgment. *In re Child of Christian D.*, 2025 ME 16, ¶ 7; *In re Children of Quincy A.*, 2023 ME 49, ¶ 26 (“in the absence of a Rule 52 motion for further findings, . . . we assume that the court implicitly made findings consistent with the evidence that are necessary to support the judgment”). It is now improper for Sineni to argue that the trial court’s decision is speculative or lacking in sufficient findings.

Moreover, there is plenty of evidence of Doug’s emotional distress damages in this case as well as the egregious conduct of Sineni.

2. The statement that Bean “lost his home” is inconsequential.

In its order on damages, the trial court stated that “with insufficient income to sustain his standard of living, Plaintiff lost his home.” A. 21. Sineni now argues that because Bean owns his own home, there was no evidence to support the conclusion that Sineni’s conduct was egregious. Blue Br. at 33. This argument is unpersuasive.

First, it does not appear that the statement was consequential to the finding of emotional distress damages. To determine if it was consequential, Sineni should have brought a Rule 52(b) motion to bring this to the trial court’s attention and to get all the bases for the award of emotional distress damages. Because Sineni failed to do this, this Court must assume that the trial court made all necessary findings to support its judgment. *See* cases cited above in section II.A.

Second, the majority of the trial court’s statement is absolutely true. It is accurate that following the accident, Bean had “insufficient income to sustain his

standard of living.” This is an enormous point in this case, and it is much of the reason why Doug became depressed, lost hope, and went “to some pretty dark places in my head.” 1Tr. 150. Indeed, prior to the accident, Bean had good income, he travelled, and he was very involved in the life of his daughter. However, it has been over fifteen years since the accident, and due to the negligence of Sineni, Bean still has not received any compensatory damages. Consequently, Bean has had insufficient income to sustain his standard of living.

Third, there is no indication that the trial court’s mention of Bean’s house was anything more than a minor error which had no impact on the ultimate award of damages. Indeed, there were many more issues supporting the award of emotional distress damages.

3. There was no error in considering the social security case.

Sineni argues that the trial court should not have considered his conduct in the social security case because it was not pleaded in the complaint. Blue Br. at 34-35. This argument is unpersuasive for the following reasons.

First, the rules of notice pleadings do not require every allegation to be in the complaint. Maine is a notice pleading jurisdiction. *Garey v. Stanford Mgmt., LLC*, 2024 ME 46, ¶ 7. “Under the notice pleading standard, ‘the purpose of the complaint is to provide the defendant with fair notice of the claim against him,’ but it is not required to include every detail necessary for a defendant to be prepared for trial.”

Doe v. Roe, 2022 ME 39, ¶ 23. Accordingly, the notice-pleading standard has a forgiving nature. *Garey*, 2024 ME 46, ¶ 7. Notice pleading is made possible by discovery and other pretrial procedures, as that is when the defendant can learn the material details of the allegations against them. *Doe v. Roe*, 2022 ME 39, ¶ 23. Accordingly, under the rules of notice pleading, Bean simply had to allege the elements of a claim of malpractice without having to allege the specific facts. That is, he did not even have to allege the facts of the Superior Trucking lawsuit in the complaint, as the factual allegations would be set forth in the pretrial process.

Second, this is merely a technical argument. Sineni does not and cannot contend that he was prejudiced by the complaint not containing allegations regarding the social security case, as Sineni received plenty of notice.⁵ The claim regarding the social security case was in the motion for attachment, which was filed two and a half years before the damages hearing. Sineni got additional notice of the social security claim by the court granting the motion for attachment including that claim, emails with opposing counsel and the claim was outlined in the trial brief.

Third, Sineni failed to object to the evidence regarding the social security claim at the damages hearing. *See* M.R. Civ. P. 46 (requiring objections to be preserved). When evidence was offered on this subject, Sineni did not object nor did

⁵ The purpose of the complaint is to provide the defendant with fair notice, *see, e.g., Johnston v. Me. Energy Recovery Co.*, 2010 ME 52, ¶ 16, and Sineni was given fair notice regarding the claim of negligence in the social security case.

he argue that the issue was not raised in the complaint. 1Tr. 134-135, 158. Sineni affirmatively stated that he had no objection to Exhibits 15 and 19, the letters containing the misrepresentations that he was still representing Doug in the social security case long after it had been dismissed. 1Tr. 151-152. By not objecting to this evidence at the hearing, Sineni waived his objection.

Fourth, Sineni even participated in the claims and offered his own testimony and questions regarding the social security case. *See, e.g.*, 1Tr. 172-173 (Sineni questioning Doug regarding the social security case), 190 (Sineni asking Doug more questions regarding social security), 200 (Sineni offering his own testimony as to the social security case). By not objecting to the evidence and by offering his own testimony on the subject, Sineni participated in trying the social security claim by consent. When an unpleaded claim is tried by the parties without objection, it is treated as having been tried by implicit agreement of the parties. *Verite v. Verite*, 2016 ME 164, ¶ 15 (like here, Defendant offered evidence on the subject and did not object to the evidence until after the close of evidence, and so the court concluded it was tried by implicit consent); *see also Terrio v. Millinocket Comm. Hosp.*, 379 A.2d 135, 138-139 (Me. 1977) (“When an issue is tried by implied consent, the original complaint is treated in all respects as if amended to incorporate allegations of the evidence produced in support of the issue actually tried.”). When one party tries an issue at trial and the other party does not object to it, the court may find that the issue

was tried by implied consent. *DiBiase v. Universal Design & Builders, Inc.*, 473 A.2d 875, 877 (Me. 1984); *see also Steinberg v. Elbthal*, 463 A.2d 731, 734 (Me. 1983) ("failure to object to extensive evidence that is relevant only to an issue not raised by the pleadings would strongly suggest acquiescence in the trial of that issue").

For each of these four reasons, it was proper for the court to consider evidence related to the social security disability case, including Sineni's egregious conduct in telling Doug that that he was continuing to represent him even after the matter had been dismissed.

4. Sineni's misconduct was egregious.

Attorney Sineni contends that his actions were not egregious because it was simply his "failure to meet discovery deadlines in the Superior Trucking action" and his failure to inform Bean that the "action had been dismissed." Blue Br. at 36. He further argues that he did not act intentionally. Blue Br. at 37. This argument is unpersuasive as there was much evidence to support the finding that Sineni's conduct was egregious, and the Supreme Judicial Court found that his actions were intentional and knowing.

In *Garland v. Roy*, 2009 ME 86, ¶ 26, this Court stated that a plaintiff could get emotional distress damages in an attorney malpractice lawsuit where the attorney's conduct was egregious, where the tort was intentional, or when the

attorney had been untruthful with his client or wantonly or willfully disregarded the consequences of his actions. *See also McAlister v. Slosberg*, 658 A.2d 658, 659-661 (Me. 1995) (allowed emotional distress damages where the attorney made misrepresentations regarding the status of the appeal); *see also Burton v. Merrill*, 612 A.2d 862, 865-65 (Me. 1992) (court was quite deferential to the determination of the fact finder on claim for malpractice, including emotional distress). The Superior court further cited an Oklahoma case where emotional distress damages were allowed where, as here, an attorney committed malpractice and then engaged in concealment to prevent the client from learning of the failures in the representation. *See Worsham v. Nix*, 2006 OK 67, ¶ 52.

In this case, there was much evidence of egregious conduct, intentional bad acts by Attorney Sineni, Attorney Sineni making misrepresentations to the court, and Attorney Sineni failing to be truthful with his client.

First, the conclusion of Justice Walker's decision dismissing Bean's complaint is quite relevant as it emphasizes the egregiousness of Sineni's misconduct in repeatedly flouting the rules and then making an intentional misrepresentation to the court. *See Exhibit 11*, pages 8-9. Justice Walker admonishes Sineni for being untruthful with the court in making a misrepresentation. In addition, Justice Walker stated that Sineni "has repeatedly and almost dutifully, flouted basic discovery obligations despite repeated chastising by the Court with one hand and

allowing for his redemption with the other.” Exhibit 11, page 9. Justice Walker concludes by stating, “Dismissal is never an appropriate sanction if it is not appropriate in this case. The sanction of dismissal is warranted.” *Id.*

Second, while Sineni now argues that this misconduct was merely garden-variety negligence (Blue Br. 36), the decision of the Supreme Judicial Court, in suspending Attorney Sineni, shows otherwise. The opinion states that “Sineni’s actions were sometimes intentional and other times knowing,” and further states, “At times, that misconduct was serious and intentional; other times, Sineni’s misconduct was knowing or reckless.” Exhibit 14 at page 22-23. Count IV of the decision concerns the DB or Doug Bean case, and it concludes that “the parties agree that Sineni acted in a manner violative of the following MRPC: 1.3; 3.2; 3.3(a); 3.4(c) and 8.4(a)(c)(d).” Accordingly, this is a finding that, among other things, Sineni knowingly failed to act with candor toward the tribunal and “engage[d] in conduct involving dishonesty, fraud, deceit or misrepresentation.” MRPC 3.3(a), 8.4(c). At the hearing, Sineni acknowledged that he agreed to these findings. 1Tr. 91. Contrary to his blue brief, this is egregious conduct which is “knowing” and “intentional” (as admitted by Attorney Sineni), and it is not garden-variety negligence. Exhibit 14, pages 18-19, 22-23.

Third, the opinions of Justice Walker and Justice Alexander do not even touch on what is arguably the worst conduct of Attorney Sineni. Attorney Sineni betrayed

his client, abused the trust, and failed to keep Doug informed of the case. Indeed, the most egregious conduct of Sineni was to not inform Doug when his cases got dismissed. Doug had to go to the courthouse and look at his file to discover that his case had been dismissed. Doug had been counting on receiving a policy limits award and was devastated to learn that his case was gone. It is hard to imagine that it has been over fifteen years since the accident and Doug still has not recovered a penny from that accident. It was very emotional testimony when Doug stated that upon learning of the dismissal of his lawsuit, it caused him to become “pretty depressed and kind of lost hope. Kind of lost hope in ever getting any semblance of my life back and ever making it.” 1Tr. 150. Doug said he then experienced “Depression, panic attacks, insomnia, the darkest – I got to some pretty places in my head.” 1Tr. 150. It was obvious that Doug had contemplated suicide and had experienced extremely significant emotional distress.

Fourth, the Law Court has allowed emotional distress damages for personal losses, such as the deterioration of a marriage. In this case, the malpractice led to similarly difficult harm for Doug, especially concerning his lost relationship with his young daughter. Moreover, at the hearing, Doug described how harmful it was for him to experience the betrayal of Attorney Sineni. As a result of the conduct of Attorney Sineni, Doug was devastated and he could no longer trust anyone, and it hurt his relationship with many people, including with his daughter and new counsel.

It was a very deep hurt and personal pain for Doug and caused him to distrust everyone.

ISSUE 3: MALPRACTICE IN THE SOCIAL SECURITY DISABILITY CASE.

1. The complaint did not need to allege specifics of the malpractice.

Attorney Sineni argues that Bean cannot recover damages for his negligence in the social security case because it was not plead in the complaint. This argument is not preserved and lacks merit. Indeed, this argument is addressed above in section II.C., setting forth the four reasons the argument lacks merit. The facts of the malpractice do not need to be alleged in a complaint under the rules of notice pleading where discovery is the tool to learn of the facts. Moreover, Sineni was not prejudiced because he was well aware of the claim two and a half years before the hearing. Even if the complaint was somehow deficient, Sineni did not object to the facts of the social security case at the damages hearing, thereby waiving his objection. Instead, Sineni participated in questioning and providing testimony on the subject such that the issue was tried by consent.

2. Sineni persists with argument that Doug needed to see a neurologist.

Attorney Sineni persists in making a claim that the social security claim was adjourned “because Bean failed to produce a neuropsychological evaluation report.” Blue Br. at 40. Sineni tries to claim that Doug’s application was denied on the merits. At the damages hearing, Attorney Sineni tried to contend that the judge at the social

security hearing adjourned the hearing for Doug to get a neuropsych examination to see whether Doug's symptoms were emanating from the hernia injury or the car accident injury. 1Tr. 200, 21, 172.

This argument by Sineni made no sense and the trial court was free to disregard it for several reasons. First, Doug said that it did not happen and that it was dismissed for Sineni failing to make a filing. 1Tr. 135, 172, 200. Second, it makes no sense that the ALJ would adjourn a hearing for a neuropsych evaluation. Third, to get social security benefits, it is not relevant whether Doug's injuries were emanating from the hernia or the car accident, yet Sineni avers that was the alleged reason for the neuropsych evaluation. 1Tr. 200. Fourth, Doug was obviously disabled, incapacitated, and immobile, and it does not make sense that he would need a neuropsych evaluation. Fifth, Doug was later able to obtain benefits on his own without obtaining a neuropsych evaluation. Sixth, a neuropsych evaluation is of limited impact because it is just a snapshot in time and does not show a change unless there had been a previous exam showing the baseline. 2Tr. 82, 85-86. Seventh, there were many instances when Attorney Sineni was less than credible with the court.

3. Sineni failed to bring a Rule 52 motion.

As previously noted, in the absence of a proper motion for specific findings of fact and conclusions of law pursuant to Rule 52, this Court must assume that the trial court found all the necessary facts to support its judgment. *Powell v. Powell*,

645 A.2d 622, 623-24 (Me. 1994); *Williams v. Ubaldo*, 670 A.2d 913, 916 (Me. 1996); *In re Child of Christian D.*, 2025 ME 16, ¶ 7. Sineni failed to bring a motion pursuant to Rule 52, so this Court must assume that the trial court made all necessary factual findings to support its decision on the issue of social security disability.

4. There was more than sufficient evidence.

The evidence is extremely clear that Doug became incapacitated and unable to work. 1Tr. 131. Attorney Sineni admits this repeatedly stating that Doug “is incapacitated and cannot sustain employment.” 1Tr. 49; Exhibit 9, page 2. Sineni stated that Doug “suffered and continued to suffer debilitating physical and psychological damages.” Exhibit 13, page 7; 1Tr. 52. Sineni further stated that Doug is “unable to sustain employment for an indefinite period of time” and “unable to lift more than 10 pounds, bathe himself, stand for more than 20 minutes, or sit for more than 30 minutes.” Exhibit 13, page 8. It was further stated by medical providers. *See, e.g.*, Exhibit 5 (“he is unable to work for any length of time without pain and discomfort”); Exhibit 6 (“unable to sustain employment”).

Sineni started representing Doug on December 21, 2012 in the social security case. 1Tr. 133; Exhibit 1. Attorney Sineni assured Doug that it would not be a problem to get social security benefits and that Doug “should get benefits pretty quickly,” no more than a year or two. 1Tr. 134-135. However, Sineni failed to file a

brief and the disability claim was dismissed in 2016. 1Tr. 135. The evidence was clear that Sineni should have been able to secure social security benefits by 2014.

Sineni failed to tell Doug that the claim was dismissed. Instead, Sineni represented in writing that he was continuing to work on the case in 2017 and 2018. It was not until 2019 when Doug learned that the case had been dismissed. 1Tr. 158.

Doug applied for social security benefits on his own and was able to obtain them without ever having a neuropsych evaluation. Doug started getting benefits in June 2024 at the amount of \$967 per month. 1Tr. 135.

Attorney Sineni's negligence in causing damages to Doug is readily apparent. Doug was obviously disabled, but Sineni failed to follow through and never obtained benefits for Doug. Sineni, by his own admission, should have been able to get the benefits for Doug within a year or two of being hired in 2012. 1Tr. 134-135. Sineni failed to file a brief causing the case to be dismissed. 1Tr. 135. Moreover, Sineni lied to Doug in telling him that he was still representing him on the case long after it had been dismissed.

CONCLUSION

The Superior Court's order should be affirmed in full.

Dated: April 30, 2026

/s/ Bruce W. Hepler
Bruce W. Hepler, Bar No. 8007
Attorney for Appellee Douglas Bean

CERTIFICATE OF SERVICE

I, Bruce W. Hepler, Attorney for Appellee Douglas Bean, hereby certify that on this date I served the Brief of Appellee electronically upon the following parties, and that upon approval of the brief by the Clerk of the Law Court, I will promptly serve two printed copies by first-class mail:

James J. Drake, Esq.
Rory A. McNamara Esq.

Dated: April 30, 2026

/s/ Bruce W. Hepler
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