

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
CIVIL ACTION
NO. CV-2022-338

DOUGLAS BEAN,

Plaintiff

v.

ANTHONY J. SINENI III and THE
LAW OFFICES OF ANTHONY J.
SINENI III, LLC,

Defendants

JUDGMENT &
ORDER ON DAMAGES

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This matter came before the court on August 5 and August 18, 2025, for a hearing on Plaintiff Douglas Bean's damages following entry of default on February 2, 2023 in this legal malpractice action against Defendants Anthony Sineni and The Law Offices of Anthony J. Sineni III, LLC (together, "Defendant"). The court makes the following findings of fact and conclusions of law based on the evidence presented at hearing.¹

FINDINGS OF FACT

In 2016, Defendant was a licensed Maine attorney who represented Plaintiff in his personal injury claim against Superior Trucking, LLC, docket number PORSC-CV-2016-356 (the "Underlying Action"), as well as in connection with an application for Social Security benefits.² By order dated January 15, 2018, and

¹ The court permitted Defendant to cross-examine witnesses and present his own testimony and evidence at hearing.

² Defendant's license to practice law in the State of Maine is currently suspended.

docketed January 23, 2018, the Superior Court (*Walker, J.*) dismissed the Underlying Action as a sanction for discovery violations. *Bean v. Superior Trucking, LLC*, No. CV-2016-356, 2018 WL 1778977 (Me. Super. Ct. Jan. 15, 2018). Plaintiff's Social Security application was denied, and Defendant failed to file a timely appeal, ultimately resulting in dismissal of the case on December 16, 2016.³

In this matter, Plaintiff alleges that the dismissal of the Underlying Action and denial of his Social Security claim resulted from Defendant's professional negligence. Plaintiff seeks damages for the amount he more likely than not would have recovered in the Underlying Action and would have received in Social Security benefits absent such negligence, as well as emotional distress damages caused by Defendant's egregious conduct.

At the damages hearing, Plaintiff, 53, credibly testified that on October 11, 2010, he was injured when a dump truck driven by an agent of Superior Trucking, LLC rear-ended his vehicle while he was stopped at a red light.⁴ In total, the dump truck, which never braked or stopped, made contact with Plaintiff's vehicle three distinct times, according to Plaintiff and two other witnesses to the accident. The truck driver did not stop or get out of the truck to aid Plaintiff.

³ Plaintiff acknowledges that his complaint lacks allegations specific to the Social Security claim. Pl.'s Post Trial Brief 15 n.1. The court concludes that the omission is not fatal to the claim because Defendant had adequate notice of the Social Security issue and did not object to Plaintiff's presentation of evidence regarding the Social Security claim at trial. See M.R. Civ. P. 15(b) ("When issues not raised by the pleadings are tried by the express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings.")

⁴ During the hearing the court admitted in evidence, over Defendant's objection, a copy of the traffic accident report related to the accident, Pl.'s Ex. 18, but the court has not relied on this evidence pursuant to 29-A M.R.S. 2251(7).

Plaintiff was 38 years old at the time of the 2010 accident, and his only child, with whom he had a close relationship, was just three years old. He was a college-educated, fit, and active person who regularly engaged in numerous outdoor sports. To earn an income prior to the accident, Plaintiff founded and operated a rock-climbing gym, worked as a licensed EMT and licensed Maine guide, and organized events called "rave parties" at various locations worldwide once or twice a year. He estimated that he earned about \$4,000 to \$5,000 per month and additionally earned between \$25,000 and \$75,000 per rave party before the accident. Plaintiff has been completely unable to work since the accident. He applied for Social Security benefits in 2017, but did not receive any until June 2024, at which time Plaintiff began receiving benefits totaling \$967 per month.

During the accident, Plaintiff lost consciousness and was immediately hospitalized. To address the serious physical injuries he sustained, which included a traumatic brain injury, a concussion, and problems with his neck, spine, shoulder, hip, and left leg, Plaintiff received medical treatment, including physical therapy. The concussion resulted in continuing problems with cognitive recall, speech, vision, headaches, light sensitivity, memory loss, and concentration. Plaintiff was initially immobile and bedridden. Mobility continues to be a significant problem as Plaintiff has experienced a loss of muscle control and sensation. He currently uses a cane to walk. Emotionally, the accident caused panic attacks, anxiety, and severe depression. His physical injuries and resulting inability to drive significantly limited his parenting of his daughter. In addition to being unable to work, Plaintiff

has been unable to engage in numerous hobbies and sports he once loved. The accident completely altered Plaintiff's life.

At some point during treatment for his injuries, but at least months following the accident, Plaintiff suffered a hernia, which later required repair with a hernia mesh in September 2012. Roughly a week after surgery, Plaintiff experienced severe, sudden pain in and around the surgical site that continued and increased substantially for the next several years. In May 2017, Plaintiff traveled to Nevada for reconstructive surgery. Plaintiff continues to experience pain and other physical and psychological symptoms related to the hernia and subsequent mesh and reparative surgeries.⁵ On numerous occasions, Defendant told Plaintiff his case was worth at least one million dollars based on his injuries and the policy limits involved.

Defendant did not communicate with Plaintiff regarding the dismissal of the Underlying Action or Social Security claim—at all. In fact, Plaintiff did not learn that the Underlying Action had been dismissed until he took it upon himself to visit the Cumberland County civil clerk's office nearly one year later. Plaintiff credibly testified that he was devastated to learn of the dismissal of the Underlying Action. Unbeknownst to Plaintiff at the time, Defendant had appealed the dismissal to the Law Court on Plaintiff's behalf but failed to timely file a brief on appeal. The Law Court accordingly dismissed the appeal. Subsequent motions for relief from

⁵ As will be explained in further detail below, the court's order on damages does not include an amount related to the hernia injury or the subsequent mesh repair surgery as the evidence of its direct relation to the motor vehicle accident is too attenuated.

judgment filed in the Superior Court were denied. *See Bean v. Superior Trucking, LLC*, No. CV-2016-356, 2019 WL 1502971, at *1 (Me. Super. Ct. Feb. 20, 2019). Plaintiff also learned in 2019 that his 2016 Social Security claim had been denied, despite representations from Defendant as late as December 14, 2018, that the claim was still pending. *See* Pl.'s Ex. 19.

Defendant's egregious negligent conduct continues to impact Plaintiff's relationship with and ability to trust his present attorney, as well as other people. After discovering the Underlying Action had been dismissed, Plaintiff experienced feelings of hopelessness and depression, and his relationship with his minor daughter was negatively impacted. Lacking a consistent source of income, he lost his home.

Plaintiff's expert, Mark J. Randall, Esq., reviewed Plaintiff's Exhibits 1 through 16, Defendant's file for the Underlying Action, and additional medical records, and weighed the strengths and weaknesses of Plaintiff's case in the Underlying Action. Attorney Randall testified that liability on Superior Trucking's part was well established by the evidence, including eyewitness reports. He did not see any "problems" with establishing Superior Trucking's liability. He estimated a 90% likelihood of a jury verdict favorable to Plaintiff.

Regarding causation and damages, Attorney Randall believed that the testimony of Physician Assistant Michael Wood would prove Plaintiff's total inability to work as a result of his injuries sustained in the accident. *See* Pl.'s Ex. 6. Attorney Randall opined that Plaintiff's own testimony regarding his typical

earnings and earning capacity, in conjunction with Michael Wood's testimony, would prove lost earnings and future earnings.

Attorney Randall asserted that Michael Wood's testimony, in conjunction with Plaintiff's own testimony, would have established his physical injuries and medical expenses, as well as the exacerbation of preexisting conditions in the neck and lower back.⁶

Attorney Randall explained that the concussion and post-concussive symptoms Plaintiff suffered could have been proven by the testimony of several identified witnesses including Leonard Kaminow, M.D., Colleen Monroe, D.C., and Aaron MacArthur, D.C., and would likely have supported a significant award from the jury because the symptoms have been long-lasting and interfere with daily life functions.

On the other hand, the hernia and injuries related to subsequent surgeries were "problematic" in Attorney Randall's view, meaning that it would have been difficult to establish medical causation with respect to the accident.

Considering all of the above, Attorney Randall estimated that Plaintiff would have received a jury verdict of roughly \$500,000 to \$750,000, exclusive of injuries related to the hernia and mesh, assuming the case had been tried between 2018 and 2020. The court credits Attorney Randall's testimony regarding Plaintiff's likelihood of establishing liability and causation of his various injuries and the overall value of

⁶ Attorney Randall also opined that, based on his review of Plaintiff's medical records, the jury likely would not have been able to apportion damages between the accident and Plaintiff's preexisting neck and back conditions, triggering the burden shift set forth in *Lovely v. Allstate Ins. Co.*, 658 A.2d 1091, 1092-93 (Me. 1995).

the case exclusive of the hernia and mesh injuries.

CONCLUSIONS OF LAW

“To prove attorney malpractice, a plaintiff must prove by a preponderance of the evidence that the defendant breached a ‘duty owed to the plaintiff to conform to a certain standard of conduct,’ and that ‘the breach of that duty proximately caused an injury or loss to the plaintiff.’” *Garland v. Roy*, 2009 ME 86, ¶ 19, 976 A.2d 940 (quoting *Corey v. Norman, Hanson & DeTroy*, 1999 ME 196, ¶ 10, 742 A.2d 933). Defendant’s default establishes his liability on Plaintiff’s legal malpractice claim. *Ireland v. Carpenter*, 2005 ME 98, ¶ 18, 879 A.2d 35 (“[B]ecause [the defendants] were defaulted, their right to present evidence and arguments on the merits is very limited. Upon the entry of a default, all of [the plaintiff’s] allegations are deemed to be true.”). All that remains to be determined is the amount of Plaintiff’s damages. See M.R. Civ. P. 55(b)(2); *McAlister v. Slosberg*, 658 A.2d 658, 660 (Me. 1995) (“A default establishes liability, and the trial court may conduct a hearing on damages as it deems necessary.”).

A. Damages Related to the Underlying Action

To recover damages in the pending action with respect to Defendant’s representation of Plaintiff in the Underlying Action, Plaintiff must prove that but for Defendant’s professional negligence, Plaintiff would have prevailed in the Underlying Action and recovered damages on his personal injury claim. See *McAlister*, 658 A.2d 658, 660 (Me. 1995) (“To prevail on his claim for damages [for legal malpractice] in the amount of his child support obligation, McAlister had not

only to prove that Slosberg was negligent, but 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.").

To recover damages in the Underlying Action, Plaintiff would have had to prove that Superior Trucking, LLC, negligently caused a motor vehicle accident and that Plaintiff sustained damages proximately caused by Superior Trucking's negligence. Damages Plaintiff may have been able to recover may have included the reasonable value of medical services in his treatment and care as well as medical services reasonably certain to be required for future treatment and care of his injuries proximately caused by Superior Trucking's negligence, *see Werner v. Lane*, 393 A.2d 1329, 1333-37 (Me. 1978); lost earnings or profits, including lost earnings or prospective profits that Plaintiff is reasonably certain to suffer in the future because of Superior Trucking's negligence, *see Rutland v. Mullen*, 2002 ME 98, ¶¶ 21-23, 798 A.2d 1104; pain, suffering, and mental anguish proximately caused by Superior Trucking's negligence, *see Gilmore v. Cent. Me. Power Co.*, 665 A.2d 666, 671 (Me. 1995); and damages for permanent impairment, *see Hargrove v. McGinley*, 2001 ME 36, ¶¶ 8-10, 766 A.2d 587.

The court agrees with Defendant that Plaintiff failed to establish that he would have been able to prove medical causation regarding the failed hernia surgery and subsequent reparative surgeries. With the exception of the hernia-related injuries, however, the court finds that Plaintiff has demonstrated 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.⁷ Based on the testimony of Attorney Randall regarding the likely value of the Underlying Action, albeit conservative in the court's view, Plaintiff's exhibits, and Plaintiff's testimony, however, the court is satisfied that the Plaintiff would have recovered at least \$750,000 as a result of the motor vehicle accident caused by Superior Trucking, even without relying on the hernia-related injuries and subsequent surgeries. Accordingly, regarding the Defendant's legal malpractice related to the Underlying Action, the court awards Plaintiff \$750,000.

B. Damages Related to the Social Security Claim

To recover damages with respect to Defendant's negligent representation before the Social Security Administration, Plaintiff must show that but for Defendant's negligence, Plaintiff would have received Social Security benefits. *See McAlister*, 658 A.2d at 660.

Plaintiff has shown that he did not receive Social Security benefits for seven years because of Defendant's professional negligence, and that he would more likely than not have been entitled to receive at least \$875⁸ each month in Social Security

⁷ Although the court heard Plaintiff's testimony that he had paid \$130,000 out of pocket for medical expenses, the court did not receive documentation of medical expenses that would enable it to apportion his expenses between treatment for the hernia and mesh injuries and his injuries more directly attributable to the accident.

⁸ In his post-trial brief, Plaintiff requests \$967 per month for seven years of missed payment (2017-2024) based on the current monthly Social Security payment he receives; however, as Plaintiff acknowledges in his earlier-filed motion for attachment, he would have more likely 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 Plaintiff a total figure using a lower monthly average for those years of \$875.

benefits during that time. The court therefore finds that Plaintiff has demonstrated damages of \$73,500 caused by Defendant's negligent representation of Plaintiff before the Social Security Administration.

C. Emotional Damages

Emotional damages are available in legal malpractice actions where the plaintiff suffered some personal loss aside from an economic loss, such as harm to the plaintiff's reputation or deterioration of the plaintiff's marriage, or where the defendant-attorney's conduct was "egregious." *Garland*, 2009 ME 86, ¶ 24, 976 A.2d 940.

The court finds that Defendant's conduct, including his repeated failures to timely meet important deadlines and his failures to communicate the statuses of the Underlying Action and Social Security claim to Plaintiff (and affirmative misrepresentation that Plaintiff's Social Security claim was still pending two years after it was dismissed), was egregious. *See id.* (suggesting that egregious conduct includes dishonesty and wanton or willful conduct). Defendant's wanton conduct destroyed Plaintiff's chances of receiving compensation for his injuries and lost earnings from Superior Truck and stymied his claim for Social Security benefits; with insufficient income to sustain his standard of living, Plaintiff lost his home. The mental suffering caused by the realization of those lost opportunities for the Plaintiff to be made whole has resulted in significant emotional distress.

Additionally, the court finds that Defendant's dishonesty and cowardice devastated the Plaintiff 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 entire life and specifically compromised his relationship with his daughter and with his current attorney. These damages were foreseeable given the significance of the Underlying Action to Plaintiff, the seriousness of the injuries for which Plaintiff sought relief, and the egregiousness of Defendant's betrayal of his duty to Plaintiff. See *McAlister*, 658 A.2d 658, 659, 661 (Me. 1995) (upholding combined award for lost wages, mental distress, and punitive damages in legal malpractice case in which attorney misrepresented the status of client's appeal); *Burton v. Merrill*, 612 A.2d 862, 864-65 (Me. 1992) (upholding award for all categories of compensatory damages sought including emotional damages in legal malpractice case in which attorney failed to aggressively defend, resulting in damage to reputation and marriage and loss of house); *Gore v. Rains & Block*, 473 N.W.2d 813, 816, 818-19 (Mich. Ct. App. 1991) (upholding award for mental anguish against law firm that failed to file a medical malpractice suit within the statute of limitations and failed to respond to clients' repeated inquiries until after the statute of limitations had elapsed); *Bolton v. Caine*, 584 A.2d 615, 618 (Me. 1990) (psychological harm foreseeable as the result of physicians' breach of duty to inform of critical relevant information); *Worsham v. Nix*, 2006 OK 67, ¶ 52, 145 P.3d 1055, 1072 (damages recoverable for emotional distress upon learning of attorney's fraudulent conduct to cover up malpractice).

Accordingly, given Defendant's conduct, the court finds that an award of \$500,000 for emotional distress is appropriate and supported by the evidence.

D. Interest

The rate and accrual of prejudgment interest in civil cases is generally fixed by statute as follows:

Prejudgment interest accrues from the time of notice of claim setting forth under oath the cause of action, served personally or by registered or certified mail upon the defendant until the date on which an order of judgment is entered. If a notice of claim has not been given to the defendant, prejudgment interest accrues from the date on which the complaint is filed.

14 M.R.S. § 1602-B(5). Plaintiff requests prejudgment interest with respect to Defendant's negligent representation in the Underlying Action accruing from the date that the notice of claim was served on the defendants to the Underlying Action. Plaintiff cites no authority to support this request, and the court interprets section 1602-B(5) to provide only for prejudgment interest from service of the notice of claim or filing of the complaint in the pending action.

Plaintiff also requests prejudgment interest on each Social Security payment Plaintiff would have received from 2017 through June 2024, accruing from the time that Plaintiff would have received each payment. Again, Plaintiff cites no authority to support this request, and the court interprets section 1602-B(5) to provide only for prejudgment interest from service of the notice of claim or filing of the complaint in the pending action.

Accordingly, Plaintiff is entitled to prejudgment interest on the sum of \$1,323,500, accruing from the date the complaint was filed in this action.

CONCLUSION

The entry is:

Judgment is entered in favor of Plaintiff Douglas Bean and against Defendants Anthony J. Sineni, Esq. and The Law Offices of Anthony J. Sineni III, LLC in the amount of \$1,323,500, plus prejudgment interest at the statutory rate accruing from the date the complaint was filed in this action, post-judgment interest at the statutory rate, and costs.

The clerk is directed to incorporate this order into the docket by reference.

M.R. Civ. P. 79(a).

Dated: October 7, 2025



Darcie N. McElwee
Justice, Maine Superior Court

Bruce A. Hepler, Esq., Law Offices of Bruce W. Hepler, Portland, for Plaintiff

Defendants Anthony J. Sineni, Esq. and The Law Offices of Anthony J. Sineni III, LLC, pro se

Entered on the Docket: 10/09/2025 ✓