

CHRISTOPHER RANEY et al.

v.

VAN MEER and BELANGER, P.A. et al.

Submitted on Briefs December 1, 2010

Decided December 7, 2010

Panel: SAUFLEY, C.J., and ALEXANDER, SILVER, MEAD, GORMAN, and
JABAR, JJ.

MEMORANDUM OF DECISION

Christopher Raney and Thomas F. Hallett, Trustee of the Pamela D. Raney Trust, appeal from the Superior Court's (Cumberland County, *Cole, J.*) denial of their motion for relief from judgment pursuant to M.R. Civ. P. 60(a) and (b). The court did not abuse its discretion in denying their motion for relief from judgment, because (1) the clerk's entry of judgment was authorized by the court's order of May 13, 2009, and the extension of time to file docket entries or documents allowed on June 18, 2009, did not otherwise extinguish the clerk's authority; and (2) the parties' failure to discern the clerk's entry of final judgment does not constitute a mistake for the purposes of M.R. Civ. P. 60(b)(1). *See Bean v. Cummings*, 2008 ME 18, ¶¶ 17, 18, 939 A.2d 676, 682. As Raney and Hallett did not properly raise their M.R. Civ. P. 77(c) and (d) argument in the trial court, it is not preserved for review on appeal. *See Richter v. Ercolini*, 2010 ME 38, ¶ 12, 994 A.2d 404, 408.

The entry is:

Judgment affirmed.

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