

DARLENE DUMOND

v.

ALISSA COHEN

Submitted on Briefs July 26, 2011

Decided July 28, 2011

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

MEMORANDUM OF DECISION

Alissa Cohen appeals from a default judgment entered in the Superior Court (Aroostook County, *Hunter, J.*) following the court's denial of Cohen's motion to set aside the entry of a default. Contrary to Cohen's contentions, she failed to demonstrate good cause, pursuant to M.R. Civ. P. 55(c), for her failure to appear for trial after having received notice from the court requiring her to appear personally, and therefore the court did not abuse its discretion or cause "a plain and unmistakable injustice" in denying the motion. *See TD Banknorth, N.A. v. Hawkins*, 2010 ME 104, ¶ 9, 5 A.3d 1042, 1045 (standard of review) (quotation marks omitted); *Conrad v. Swan*, 2008 ME 2, ¶ 11, 940 A.2d 1070, 1075 (holding that the court did not abuse its discretion in denying the plaintiff's motion to set aside a default entered after the plaintiff failed to appear for a status conference); *Sheepscot Land Corp. v. Gregory*, 383 A.2d 16, 22 (Me. 1978) (recognizing the authority of a trial court to use a default to "insist upon a prompt disposal of a case when called for trial").

The entry is:

Judgment affirmed.

Attorney for Alissa Cohen:

Allan Hanson, Esq.
135 High Street
PO Box 747
Caribou, Maine 04736

Attorney for Darlene Dumond:

Richard D. Solman, Esq.
Solman & Hunter, P.A.
PO Box 665
Caribou, Maine 04736

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