

NORMAN C. GILE

v.

ANNE B. GILE

Submitted on Briefs August 16, 2011  
Decided September 1, 2011

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

#### MEMORANDUM OF DECISION

Norman C. Gile appeals from the order of the District Court (York, *Cantara, J.*) determining that, by a promised payment by check to Anne B. Gile, Norman had purged himself of contempt and reminding Norman that he had to complete the payment and not dishonor the check and that he otherwise should comply with all outstanding court orders. That order was dated November 3, 2010, at a time when both parties were before the court for a show cause hearing on Anne's motion for contempt. M.R. Civ. P. 66. That same day, Norman filed a motion to stay the court's order, and the record indicates that, subsequently, the check was not paid. The court treated Anne's notice that the check had not been honored as a motion to reopen the show cause hearing to address the contempt issue. Both parties filed other post-hearing motions and responsive pleadings addressed to Norman's obligations to make payments pursuant to a 2008 divorce judgment. Norman then filed a notice of appeal on November 29, 2010. The notice of appeal appears to be directed to the court's order of November 3, 2010, which was docketed on November 8, 2010.

In his brief, Norman argues that he has insufficient funds to pay his obligations under the divorce judgment. He also has a pending motion to change his obligations under the divorce judgment.

The court's order of November 3, 2010, reflects the court's understanding that an apparent settlement had been agreed to by the parties that avoided a possible contempt finding. That order, however, indicates no final judgment of anything from which an appeal could be taken. On its face, the order is interlocutory, as it is dependent upon conditions that, the record indicates, have not been met. Because this is an appeal from an interlocutory order, and no exception to the final judgment rule appears that would justify this Court's reaching the merits of this appeal, the appeal must be dismissed. *See Sanborn v. Sanborn*, 2005 ME 95, ¶ 4, 877 A.2d 1075 (a court order that adjudicates less than all pending claims as to all parties to an action does not terminate the action as to any of the claims or parties and is not a final judgment from which an appeal can be taken).

The entry is:

Appeal dismissed.

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**Anne B. Gile did not file a brief.**