

E. THOMAS WALTON

v.

CARL W. WALTON

Submitted on Briefs March 1, 2012

Decided March 13, 2012

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

MEMORANDUM OF DECISION

E. Thomas Walton appeals from the entry of a judgment in the Superior Court (York County, *Brennan, J.*) affirming the entry in the District Court (Biddeford, *O'Neil, J.*) of a small claims judgment in Thomas's favor in accordance with a mediated settlement of a claim he brought against his son, Carl W. Walton. The mediator's report, which Thomas signed, reflects that Thomas agreed to a dismissal of the complaint with prejudice. Contrary to Thomas's contentions, "[a]n approved settlement shall have the force and effect of a judgment and may not be appealed." M.R.S.C.P. 5. Furthermore, the Superior Court did not err in treating the appeal as a motion for relief from judgment, pursuant to M.R. Civ. P. 60(b), and it did not abuse its discretion in concluding that Thomas's assertions of duress and confusion caused by the mediator and the small claims process failed to prove good cause to set aside the judgment. *See Ezell v. Lawless*, 2008 ME 139, ¶ 19, 955 A.2d 202 (noting that we review a decision denying relief from judgment for an abuse of discretion); *Wooldridge v. Wooldridge*, 2008 ME 11, ¶ 6, 940 A.2d 1082 (noting that "[t]he party seeking relief from judgment pursuant [to] M.R. Civ. P. 60(b) bears the burden of proving that the judgment should be set aside" (quotation marks omitted)).

The entry is:

Judgment affirmed.

On the briefs:

Scott Giese, Esq., Biddeford, for appellant E. Thomas Walton

Carl W. Walton did not file a brief

York County Superior Court docket number AP-11-6
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