

MICHAEL A. DOYLE

v.

COLLEEN FRANCKE

Submitted on Briefs December 13, 2013
Decided December 24, 2013

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

MEMORANDUM OF DECISION

Michael A. Doyle appeals from a default judgment entered in the Superior Court (Cumberland County, *Warren, J.*) awarding Colleen Francke \$18,800 in compensatory damages on her counterclaims against Doyle for libel and false light after an entry of default on the issue of liability and a hearing on the issue of damages.

Contrary to Doyle's contentions, the court did not abuse its discretion in determining that Doyle failed to establish a good excuse for failing to file an answer to Francke's counterclaims and, therefore, in denying his motion to set aside the entry of default for good cause shown. *See* M.R. Civ. P. 55(c); *Graham v. Brown*, 2011 ME 93, ¶ 10, 26 A.3d 823; *Richter v. Ercolini*, 2010 ME 38, ¶¶ 15-17, 994 A.2d 404. Additionally, the court did not err in determining that Doyle was liable for libel and false light or abuse its discretion in entering a default judgment accordingly; "the issue of liability was resolved against" Doyle "by the entry of default, [and] he was properly precluded [at the damages hearing] from relitigating any of the elements of liability" and asserting defenses on the merits of the claims against him. *Graham*, 2011 ME 93, ¶ 11, 26 A.3d 823; *see Richter*, 2010 ME 38, ¶ 18, 994 A.2d 404 (reviewing "alleged error in the court's entry of a

default judgment for an abuse of discretion”); M.R. Civ. P. 55(b)(2); *see also Tomer v. Me. Human Rights Comm’n*, 2008 ME 190, ¶ 1 n.1, 962 A.2d 335 (stating that self-represented litigants are held to the same standards as those who are represented by counsel).

Finally, contrary to Doyle’s contentions, the court did not err as a matter of law or fact in its award of compensatory damages to Francke. *See Graham*, 2011 ME 93, ¶¶ 12-13, 26 A.3d 823; *Estate of Hoch v. Stifel*, 2011 ME 24, ¶ 43, 16 A.3d 137; *Cnty. Forest Prod., Inc. v. Green Mtn. Agency, Inc.*, 2000 ME 161, ¶ 49, 758 A.2d 59.¹

The entry is:

Judgment affirmed.

On the briefs:

Michael A. Doyle, pro se appellant

Nicholas H. Walsh, Esq., Portland, for appellee Colleen Francke

Cumberland County Superior Court docket number CV-2012-247
FOR CLERK REFERENCE ONLY

¹ Doyle filed a copy of the recording of the damages hearing as part of the record on appeal, as permitted by the court’s order, *see* M.R. Civ. P. 91(f)(2)(B)(i), which recording was fully operational for this Court.