

DONALD P. PENTA

v.

THEODORE W. THOMES

Submitted on Briefs January 28, 2014  
Decided February 4, 2014

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

#### MEMORANDUM OF DECISION

Theodore W. Thomes appeals from an order of the Superior Court (Cumberland County, *Wheeler, J.*) denying his motion to set aside an entry of default, pursuant to M.R. Civ. P. 55(c), and his motion for relief from judgment, pursuant to M.R. Civ. P. 60(b). Contrary to Thomes's contention, the court did not abuse its discretion in finding that Thomes had not satisfied his burden of proving good cause in order to set aside the entry of default or excusable neglect so as to vacate the default judgment. *See Dyer Goodall & Federle, LLC v. Proctor*, 2007 ME 145, ¶ 18, 935 A.2d 1123; *Maroon Flooring, Inc. v. Austin*, 2007 ME 75, ¶ 9, 927 A.2d 1182; *Begin v. Jerry's Sunoco, Inc.*, 435 A.2d 1079, 1083 (Me. 1981); *Porges v. Reid*, 423 A.2d 542, 544-45 (Me. 1980).

The entry is:

Judgment affirmed.

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**On the briefs:**

Theodore Thomes, pro se appellant

Gerald F. Petruccelli, Esq., and Jisel E. Lopez, Esq., Petruccelli,  
Martin & Haddow, LLP, Portland, for appellee Donald P. Penta

Cumberland County Superior Court docket number CV-2012-351  
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