

EVA L. NODDIN

v.

BRUCE L. NODDIN

Submitted on Briefs April 29, 2014

Decided May 1, 2014

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

#### MEMORANDUM OF DECISION

Bruce L. Noddin appeals from judgments of the District Court (Lewiston, *Lawrence, J.*) granting in part Eva L. Noddin's motions to enforce and modify the parties' divorce judgment, and denying Bruce's motion to continue and motion to reopen the evidence or for a new trial. Bruce argues that the court denied him due process by holding a hearing on Eva's motions despite Bruce's failure to appear and by denying Bruce's motion to continue the hearing and subsequent motion to reopen the evidence or for a new trial.

Contrary to Bruce's contentions, due process requires only that "notice of the hearing was given in a manner calculated to give actual notice and [he] had an *opportunity* to be heard." *In re A.M.*, 2012 ME 118, ¶ 18, 55 A.3d 463 (quotation marks omitted) (discussing due process in termination of parental rights proceedings); *see also* M.R. Civ. P. 115(a) ("[N]o judgment . . . shall be entered in an original action under these rules except after hearing, which may be *ex parte* if a party does not appear."). Bruce concedes that his attorney of record was given notice of the hearing. This method of notice was reasonably calculated to give Bruce actual notice. *See In re A.M.*, 2012 ME 118, ¶ 18, 55 A.3d 463. Any failure of communication between Bruce and his attorney does not amount to a

deprivation of Bruce's due process rights. We discern no error or abuse of discretion.

The entry is:

Judgment affirmed.

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**On the briefs:**

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for appellant Bruce Noddin

Richard Golden, Esq., Clifford & Golden, P.A., Lisbon Falls, for appellee  
Eva Noddin