

NATHAN OSBORNE

v.

JOSIE ARMSTRONG

Submitted On Briefs May 29, 2014  
Decided June 17, 2014

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

#### MEMORANDUM OF DECISION

Nathan Osborne appeals from a judgment entered in the District Court (Belfast, *Worth, J.*) setting aside, pursuant to M.R. Civ. P. 60(b), a default judgment it had entered against Josie Armstrong. A grant of Rule 60(b) relief generally does not constitute a final judgment. *Midfirst Bank v. Cote*, 2002 ME 15, ¶ 6, 789 A.2d 96. Further, because the essential issue of the parties' compliance with the parental rights and responsibilities order at issue has been restored to the docket, and because we suspended M.R. App. P. 3(b) to allow the court to act on the parties' pending motions, no exception to the final judgment rule applies. *See Midfirst Bank*, 2002 ME 15, ¶¶ 6-9, 789 A.2d 96; *In re Erica B.*, 520 A.2d 342, 345 (Me. 1987). We therefore dismiss this interlocutory appeal.<sup>1</sup>

The entry is:

Appeal dismissed.

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<sup>1</sup> In its discretion, the court is authorized on remand to award Armstrong all or a portion of her attorney fees incurred in connection with this interlocutory appeal.

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**On the briefs:**

Donald F. Brown, Esq., Brewer, for appellant Nathan Osborne

Joseph W. Baiungo, Esq., Belfast, for appellee Josie Armstrong

Belfast District Court docket number FM-11-32  
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