

THAD LAVALEE et al.

v.

GERALD EASLER

Argued June 9, 2016
Decided August 9, 2016

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

MEMORANDUM OF DECISION

Gerald Easler appeals from a judgment of the Superior Court (Aroostook County, *Hunter, J.*), denying his motion to set aside default judgment pursuant to M.R. Civ. P. 60(b)(1) and (6).¹ The court did not abuse its discretion in denying Easler relief under Rule 60(b)(1) and (6). The court properly found that Easler failed to establish a reasonable excuse for failing to file an answer to the complaint and a meritorious defense to the claim. *Ezell v. Lawless*, 2008 ME 139, ¶¶ 18, 22, 955 A.2d 202. The court properly found that a copy of the complaint had been left with Easler's adult son at Easler's residence in compliance with M.R. Civ. P. 4(d)(1), and Easler acknowledged that he was aware that he was being sued at the time of the entry of default, nearly one year before he filed the motion.

¹ This appeal originally involved Gerald and his brother, Dale Easler. Following oral argument, the parties agreed to dismiss Dale from the matter. An order summarily vacating judgment against Dale and dismissing him from the case with prejudice was entered on August 2, 2016.

The entry is:

Judgment affirmed.

On the briefs and at oral argument:

Eugene J. McLaughlin, Esq., Presque Isle, for appellant
Gerald Easler

Norman G. Trask, Currier & Trask, P.A., Presque Isle, for
appellees Thad Lavallee and Deena Lavallee