

JORDAN GRAND CONDO OWNERS' ASSOCIATION

v.

CYNTHIA TURNER-AWBREY

Submitted on Briefs October 24, 2017

Decided November 16, 2017

Panel: MEAD, GORMAN, JABAR, HJELM, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

Cynthia Turner-Awbrey appeals from a judgment of the District Court (Rumford, *Dow, J.*) denying her motion for relief from judgment after the court denied her two previous motions for costs and attorney fees. We affirm the judgment.

We review the denial of an M.R. Civ. P. 60(b) motion for abuse of discretion that “works a plain and unmistakable injustice” against the moving party. *Cote Corp. v. Kelley Earthworks*, 2014 ME 93, ¶ 14, 97 A.3d 127 (citation omitted). Rule 60(b) “presupposes that a party has performed its legal duty to take legal steps to protect its own interest in the original litigation.” *Town of Wiscasset v. Mason Station, LLC*, 2015 ME 59, ¶ 6, 116 A.3d 458 (citation omitted). Accordingly, “[t]he failure to bring a timely appeal from an adverse judgment does not justify Rule 60(b) relief,” and Rule 60(b) is “not intended as an alternative method of appeal.” *Id.* (citation omitted).

Here, Turner-Awbrey improperly used the Rule 60(b) motion as an alternative method to appeal the court’s denial of her previous motions for costs and attorney fees. Turner-Awbrey failed to appeal the denials of both motions as required by M.R. App. P. 2(b)(3) (Tower 2016), and offers “no

excuse for failing” to do so. *Town of Wiscasset*, 2015 ME 59, ¶ 11, 116 A.3d 458. Because she neglected to “protect [her] own interests,” it was not “plain and unmistakable injustice for the trial court to hold [Turner-Awbrey] to the consequences of that failure.” *Cote Corp.*, 2014 ME 93, ¶ 15, 97 A.3d 127 (citation omitted) (quotation marks omitted).

The entry is:

Judgment affirmed.

Cynthia Turner-Awbrey, appellant pro se

Gregory P. Braun, Esq., and Tracy L. West, Esq., Braun & Wilson,
P.L.L.C., South Paris, for appellee Jordan Grand Condo Owners’
Association

Rumford District Court docket number RE-2014-42
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