

BRIDGET M. MARTIN

v.

RAYFIELD DOBBINS

Submitted on Briefs June 29, 2017  
Decided July 6, 2017

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

#### MEMORANDUM OF DECISION

Bridget M. Martin appeals from a judgment of the Superior Court (Kennebec County, *Murphy, J.*) denying her motion for relief from the grant of a summary judgment in favor of Rayfield Dobbins on the remaining count of Martin's complaint alleging various causes of action in connection with the construction of a house.<sup>1</sup> Contrary to Martin's contention, the court did not abuse its discretion in denying her motion for relief from judgment. See *Ezell v. Lawless*, 2008 ME 139, ¶ 19, 955 A.2d 202. Martin did not demonstrate that her failure to oppose Dobbins's motion for summary judgment was the result of "mistake, inadvertence, surprise, or excusable neglect." M.R. Civ. P. 60(b)(1); see *Pederson v. Cole*, 501 A.2d 23, 25 (Me. 1985); see also *Cuttillo v. Gerstel*, 477 A.2d 750, 752 (Me. 1984) (rejecting a party's claimed excuse for a default judgment); *McNutt v. Johansen*,

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<sup>1</sup> To the extent that Martin challenges the court's grant of a summary judgment in Dobbins's favor or the denial of her motion for a default judgment, her appeal is not timely, and we do not consider the merits of those issues. See *Kolmosky v. Kolmosky*, 631 A.2d 419, 421 (Me. 1993) ("Rule 60(b) is not intended as an alternative method of appeal.").

477 A.2d 738, 739-40 (Me. 1984) (same). Her belief that Dobbins's motion for summary judgment required no answer did not form a justifiable basis for her neglect. *See Pederson*, 501 A.2d at 25.

The entry is:

Judgment affirmed.

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Mark S. Kierstead, Esq., Mark S. Kierstead Law, Waterville, for appellant  
Bridget M. Martin.

C.H. Spurling, Esq., Gardiner, for appellee Rayfield Dobbins

Kennebec County Superior Court docket number CV-2014-170  
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