

DISCOVER BANK

v.

STEPHEN R. JORDAN

Submitted on Briefs May 30, 2019

Decided June 6, 2019

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

MEMORANDUM OF DECISION

Stephen R. Jordan appeals from the denial of his motion for relief from judgment, M.R. Civ. P. 60(b)(1), in the District Court (Waterville, *Stanfill, J.*) arguing that the District Court lacks jurisdiction over the claim and that he should be relieved from the judgment entered against him. Contrary to Jordan's contention, the District Court did not lack subject matter jurisdiction over the claim against him for money damages. 4 M.R.S. § 152(2) (2018); *Midland Funding LLC v. Walton*, 2017 ME 24, ¶ 15, 155 A.3d 864.

Jordan also has not shown a reasonable excuse for his failure to appear or presented a meritorious defense to the underlying action. *See Ezell v. Lawless*, 2008 ME 139, ¶¶ 21-22, 955 A.2d 202. A denial of a Rule 60(b) motion will not be set aside unless the failure to do so "works a plain and unmistakable injustice against the moving party." *Id.* ¶ 19. Accordingly, the District Court did not err in determining that Jordan was not entitled to relief from judgment.

The entry is:

Judgment affirmed.

Stephen R. Jordan, appellant pro se

Kate E. Conley, Esq., Ratchford Law Group, P.C., Portland, for appellee Discover Bank

Waterville District Court docket number CV-2018-195
For Clerk Reference Only