

U.S. BANK AND TRUST NATIONAL ASSOCIATION

v.

CYNTHIA M. BARNA et al.

Submitted on Briefs September 27, 2023

Decided October 5, 2023

Panel: MEAD, JABAR, CONNORS, LAWRENCE, and DOUGLAS, JJ.

MEMORANDUM OF DECISION

U.S. Bank and Trust National Association appealed an order of the District Court (Waterville, *Dow, J.*) denying its motion to extend time to file an appeal by 140 days pursuant to M.R. App. P. 2B(d)(2). A prerequisite to relief under that rule is a showing by the movant that “the trial court clerk, although required to do so, failed to send notice of the entry of judgment to the moving party.” M.R. App. P. 2B(d)(2); *see also Witham v. Bd. of Trs. of the Me. Crim. Just. Acad.*, 2023 ME 13, ¶ 10, 290 A.3d 65.

After reviewing trial court’s decision, the record, and the parties’ briefing, we have determined that the record does not compel a finding that the trial court clerk failed to notify U.S. Bank of the order it intended to appeal. *See St. Louis v. Wilkinson L. Offs., P.C.*, 2012 ME 116, ¶ 16, 55 A.3d 443 (“[T]o overturn a finding that a plaintiff has failed to prove one or more elements of a claim, the plaintiff must demonstrate that a contrary finding is compelled by the evidence.”).

The entry is:

Judgment affirmed.

Joan M. Egdall, Esq., Demerle Hoeger, LLP, Boston, Massachusetts, for appellant
U.S. Bank Trust National Association

Jonathan E. Selkowitz, Esq., Pine Tree Legal Assistance, Inc., Portland, for
appellee Cynthia M. Barna

Waterville District Court docket number RE-2017-43
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