

RENAY FAZZI

v.

CARMINE FAZZI

Submitted on Briefs September 2, 2003

Decided September 10, 2003

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER,
and CALKINS, JJ.

MEMORANDUM OF DECISION

Carmine Fazzi appeals from a final protection from abuse order entered in the District Court (Augusta, *Westcott, J.*) after he failed to appear and oppose the action at the April 1, 2003, hearing. Contrary to Carmine's contention, there was no typographical error in his protection order summons. The summons stated that if he wished to oppose the protection action he or his attorney must appear before the court on "4/1/03 at 8:30 AM." Moreover, the temporary order for protection and *notice of hearing*, issued on the same day as the summons, stated that a hearing on the complaint would be held "at 8:30 a.m. on APRIL 1, 2003." Because

Carmine had sufficient notice of the hearing enabling him to appear and defend against the action, we affirm the court's judgment. *See Barnes v. Walsh*, 145 Me. 107, 111, 72 A.2d 813, 815 (1950) (explaining that general principles of law require that sufficient notice be given to enable the respondent to appear and defend against the action).

The entry is:

Judgment affirmed.

For plaintiff:

Renay Fazzi
44 Oxford Street
Augusta, ME 04330

For defendant:

Carmine Fazzi
P O Box 250
South Windham, ME 04082-0250