

JOHN MacDOWALL

v.

COREY BURRILL

Submitted on Briefs June 24, 2004

Decided July 30, 2004

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

MEMORANDUM OF DECISION

Corey Burrill appeals from a default judgment entered in the Superior Court (Somerset County, *Jabar, J.*) following an entry of default, a denied motion to set aside the entry of default, and a nonjury hearing on damages. Contrary to Burrill's contentions, the court acted within its discretion when it concluded that neither John MacDowall's failure to notify Maine Mutual Insurance Company of his complaint against Burrill, nor Burrill's inability to understand the complaint, provides a good excuse for the failure of Burrill to file a timely response to MacDowall's complaint against Burrill. *See Firth v. City of Rockland*, 580 A.2d 694, 696 (Me. 1990); *Thomas v. Thompson*, 653 A.2d 417, 421 (Me. 1995);

McNutt v. Johansen, 477 A.2d 738, 740 (Me. 1984); *Truman v. Browne*, 2001 ME 182, ¶¶ 10-11, 788 A.2d 168, 170-71.

The entry is:

Judgment affirmed.

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