

MAINE STAFFING SERVICES, INC.

v.

CROWE ROPE INDUSTRIES, L.L.C. et al.

Submitted on Briefs June 28, 2006

Decided July 7, 2006

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

MEMORANDUM OF DECISION

KeyBank National Association appeals from a judgment entered in the Superior Court (Kennebec County, *Studstrup, J.*), denying its motion to set aside default and default judgment. Contrary to KeyBank's contentions, neither *Butler v. D/Wave Seafood*, 2002 ME 41, 791 A.2d 928, nor *Levine v. KeyBank National Ass'n*, 2004 ME 131, 861 A.2d 678, are distinguishable from the present case. The court did not abuse its discretion when it denied KeyBank's motion, as KeyBank demonstrated neither good cause nor excusable neglect sufficient to obtain relief from default and default judgment. *See* M.R. Civ. P. 55, 60; *Coombs v. Gov't*

Employees Ins. Co., 534 A.2d 676, 679 (Me. 1987). Further, the amendment to 14 M.R.S. § 2614 (2005) does not apply retroactively because the present case was pending at the time the amendment to the statute was enacted. *See* 1 M.R.S. § 302 (2005); *Riley v. Bath Iron Works Corp.*, 639 A.2d 626, 628 (Me. 1994). Therefore, KeyBank remains “adjudged trustee as alleged” pursuant to 14 M.R.S.A. § 2614 (1980).

The entry is:

Judgment affirmed.

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