

LEONARD ROSS et al.

v.

ARTHUR FOWLER et al.

Submitted on Briefs January 20, 2006  
Decided February 7, 2006

Panel: CLIFFORD, DANA, ALEXANDER, CALKINS, and LEVY, JJ.

MEMORANDUM OF DECISION

Leonard and Margarita Ross appeal from a judgment entered in the Superior Court (Washington County, *Romei, J.*) dismissing, pursuant to M.R. Civ. P. 41(b)(2), their multiple count action to quiet title to real estate against numerous defendants. Contrary to the Rosses' contentions, the court did not abuse its discretion in dismissing the entire case pursuant to M.R. Civ. P. 41(b)(2), as the case had sat dormant for more than two years. *See West Point-Pepperell, Inc. v. State Tax Assessor*, 1997 ME 58, ¶ 7, 691 A.2d 1211, 1213 (holding that we review a dismissal of a case for failure to prosecute under Rule 41(b)(2) for abuse of discretion). The court could have properly concluded, after considering the record and arguments of counsel, that good cause did not exist to keep the case on

the docket. *See id.*; *Kingsbury v. Forbes*, 1998 ME 168, ¶¶ 6, 7, 714 A.2d 149, 151 (refusing to accept a party’s contention that he had no responsibility to prosecute his claim “[b]ecause he never received notification of the next step in the process,” and noting that such an argument “completely disregards the duty of parties to pursue their rights with diligence”).

The entry is:

Judgment affirmed.

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