

ROSALYN G. MAZOWAY

v.

LAWRENCE MAZOWAY

Submitted on Briefs February 27, 2006
Decided March 9, 2006

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

MEMORANDUM OF DECISION

Rosalyn G. Mazoway appeals from a judgment entered in the District Court (York, *Kennedy, J.*) granting a divorce between her and her former husband, Lawrence Mazoway. Rosalyn contends the court erred in (1) entering the divorce judgment when she was not present for the final hearing; and (2) distributing the marital property. Lawrence cross-appeals, contending that the court abused its discretion in failing to award attorney fees.

Contrary to Rosalyn's contentions, the court did not abuse its discretion either in denying her request to continue, *see Provenzano v. Deloge*, 2000 ME 149, ¶ 11, 755 A.2d 549, 551; or in distributing the marital property, *see Spooner v.*

Spooner, 2004 ME 69, ¶ 27, 850 A.2d 354, 362; *Krui v. Krui*, 2002 ME 14, ¶¶ 4-5, 789 A.2d 99, 100-01.

Lawrence's cross-appeal is untimely, and we therefore must dismiss his cross-appeal. *See* M.R. App. P. 2(b)(3); *Bisbing v. Me. Med. Ctr.*, 2003 ME 49, ¶ 8, 820 A.2d 582, 585. However, were we to consider his contentions, we would conclude that the court did not exceed the scope of its discretion in declining to award attorney fees. *See Dargie v. Dargie*, 2001 ME 127, ¶¶ 30-31, 778 A.2d 353, 360; *Eastman v. Eastman-Veres*, 1997 ME 26, ¶ 14, 690 A.2d 494, 497.

The entry is:

Judgment affirmed.

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