

VALERIE MORRISON

v.

SCOTT B. DURGIN

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

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

MEMORANDUM OF DECISION

Scott B. Durgin appeals from a judgment of the Superior Court (Androscoggin County, *Delahanty, J.*) affirming a judgment of the District Court (Lewiston, *Beliveau, J.*), which denied his request for a continuance in this small claims action. Contrary to Durgin's contentions, the District Court did not exceed the bounds of its discretion in denying his request for a continuance. *See* M.R. S.C.P. 7; *Tisdale v. Rawson*, 2003 ME 68, ¶ 12, 822 A.2d 1136, 1140 (reviewing the judgment of the District Court directly when the Superior Court acts as an intermediate appellate court); *Christensen-Towne v. Dorey*, 2002 ME 121, ¶¶ 8-9, 802 A.2d 1010, 1012-13 (holding that the court abused its discretion in denying a

motion for a continuance when the defendant received notice of the hearing less than one hour prior to the time set for the hearing); *Wright & Mills v. Bispham*, 2002 ME 123, ¶¶ 4, 14, 802 A.2d 430, 432, 434 (holding no abuse of discretion when the court denied the defendant's motion for a continuance made on the day of the hearing); *Cloutier v. Whitten*, 544 A.2d 737, 738 (Me. 1988) (holding no abuse of discretion when the court denied the defendant's motion for a continuance made on the day of trial because he had trouble getting a plane ticket to Maine on short notice); *Farrell v. Theriault*, 464 A.2d 188, 192 (Me. 1983) (holding no abuse of discretion when the court denied a motion for a continuance that was made after the deadline for making such motions).

The entry is:

Judgment affirmed.

For plaintiff:

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For defendant:

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