

TOWN OF WINTHROP et al.

v.

RICHARD T. CALCAGNI et al.

Submitted on Briefs December 11, 2007
Decided December 27, 2007

Panel: SAUFLEY, C.J., and CLIFFORD, LEVY, MEAD, and GORMAN, JJ.

MEMORANDUM OF DECISION

Richard Calcagni appeals from a judgment of the Superior Court (Kennebec County, *Marden, J.*) denying his motion for relief, brought pursuant to M.R. Civ. P. 60(b), from a summary judgment entered by the court on the Town of Winthrop's complaint for injunctive relief. Contrary to Calcagni's contention, the court did not abuse its considerable discretion in finding that the failure of Calcagni's former attorney to file a timely answer to the motion for summary judgment did not demonstrate "a compelling reason as to why relief should be granted." *Calaska Partners v. Dahl*, 676 A.2d 498, 500-01 (Me. 1996);

see Hamill v. Liberty, 1999 ME 32, ¶ 4, 724 A.2d 616, 618. It is well-established that “an attorney’s actions of commission as well as omission are to be regarded as acts of the party represented and that any neglect of the attorney is equivalent to that of the party.” *Moulton v. Brown*, 627 A.2d 521, 523 (Me. 1993) (quotation marks omitted); *see Calaska Partners*, 676 A.2d at 500.

The entry is:

Judgment affirmed.

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