

TD BANKNORTH, N.A.

v.

BENJAMIN P. HAWKINS

Submitted on Briefs May 2, 2007
Decided May 8, 2007

Panel: CLIFFORD, ALEXANDER, LEVY, SILVER, and MEAD, JJ.

MEMORANDUM OF DECISION

Benjamin P. Hawkins has filed an interlocutory appeal from orders entered by the Superior Court (Cumberland County, *Cole, J.*), denying (1) his motion to remove the default entered against him after he failed to file a timely response to TD Banknorth, N.A.'s complaint, and (2) his motion to dismiss certain counts of Banknorth's complaint for failure to properly plead allegations of fraud. Contrary to Hawkins's contentions, his interlocutory appeal does not fall into one of the recognized exceptions to the final judgment rule. *Bruesewitz v. Grant*, 2007 ME 13, ¶¶ 5-8, 912 A.2d 1255, 1257-58; *Dairyland Ins. Co. v. Christensen*, 1999 ME 160, ¶ 8, 740 A.2d 43, 45; *First Nat'l Bank of Boston v. City of Lewiston*, 617 A.2d

1029, 1030-31 (Me. 1992). Therefore, we dismiss his appeal, but decline Banknorth's request to impose sanctions. *See Estate of Dineen*, 2006 ME 108, ¶ 8, 904 A.2d 417, 420-21.

The entry is:

Appeal dismissed.

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