

JEFFREY A. MEYER

v.

BRANDI R. HARRIS

Submitted on Briefs May 29, 2008  
Decided August 28, 2008

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

MEMORANDUM OF DECISION

Brandi R. Harris appeals from an order of the District Court (Bangor, *Griffiths, A.R.J.*) denying her motions for relief from her amended divorce judgment pursuant to M.R. Civ. P. 60(b)(2) and for contempt. Contrary to Harris's contention, the District Court did not clearly err<sup>1</sup> or abuse its discretion in denying her motion for contempt where she failed to show that Meyer did not face an explicit thirty-day deadline for vacating his residence or that he delayed in informing her that he intended to relocate their children outside of Maine once he determined such a relocation was necessary. *See Wrenn v. Lewis*, 2003 ME 29, ¶ 13, 818 A.2d 1005, 1009. Nor did the court abuse its discretion in denying her motion for relief pursuant to M.R. Civ. P. 60(b)(2) where she failed to demonstrate that the facts on which she relies could not have been discovered prior to the March 2007 hearing through the exercise of due diligence. *Dall v. Caron*, 628 A.2d 117, 118 (Me. 1993).

The entry is:

Judgment affirmed.

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<sup>1</sup> Harris's assertion of clear error relies on her erroneous assumption that the court made a typographical error. The order is correct as written. While Meyer did not call Harris during the trip, she had his cell phone number.

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