

TOWN OF TURNER

v.

KELLY WALTON

Submitted on Briefs November 4, 2008

Decided November 6, 2008

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

MEMORANDUM OF DECISION

Kelly E. Walton appeals from a judgment entered in the District Court (Lewiston, *Beliveau, J.*) denying her motion for a continuance. Contrary to Kelly's contention, the court did not abuse its discretion in denying her motion for a continuance. *Wright & Mills v. Bispham*, 2002 ME 123, ¶ 13, 802 A.2d 430, 433. ("We review a court's decision to deny a request for a continuance for an abuse of discretion."). Kelly had notice of her hearing date on January 19, 2008, yet did not file her continuance request until three days prior to her March 6, 2008, hearing. *See Schneider v. Putnam*, 1998 ME 26, ¶ 5, 705 A.2d 117, 118 (affirming the denial of a motion for continuance when the party had notice of the trial date and did not take "timely action" to seek a continuance).

As the party seeking the continuance, Kelly had the burden of proving sufficient grounds for granting the motion. *Wright & Mills*, 2002 ME 123, ¶ 13, 802 A.2d at 433. The court provided Kelly with an additional opportunity to submit documentation to support her motion. The record supports the court's finding that Kelly did not demonstrate that she had emergency surgery scheduled for March 6, 2008, or that she was unable to attend the hearing on March 6, 2008.

The court did not exceed the bounds of its discretion in denying Kelly's motion.

The entry is:

Judgment affirmed.

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