

DANIEL T. WHITE et al.¹

v.

IRIS DUTILE

Submitted on Briefs November 10, 2009

Decided November 19, 2009

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

MEMORANDUM OF DECISION

Daniel T. White has filed an interlocutory appeal from an order of the District Court (Newport, *MacMichael, J.*) scheduling a hearing to reconsider the final protection from abuse order, 19-A M.R.S. § 4007 (2008), that White had obtained against Iris Dutile, but leaving that protection from abuse order in effect pending a hearing. White argues that the court should not reconsider the merits of the protection from abuse order because the court properly denied Dutile's request for a continuance prior to the hearing and there is sufficient evidence to support issuance of the final order.

The court's action scheduling a rehearing of the final protection from abuse order is equivalent to granting a motion for a new trial or a motion for relief from judgment pursuant to M.R. Civ. P. 59 or 60. The grant of such a motion in a civil case is not a final, appealable judgment subject to any exception to the final judgment rule. *Midfirst Bank v. Cote*, 2002 ME 15, ¶¶ 5-9, 789 A.2d 96, 98-99. This appeal is interlocutory and must be dismissed.

¹ The action was filed by Daniel T. White on behalf of himself and his minor children.

The entry is:

Appeal dismissed. Remanded to the District
Court.

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