

TOWN OF LIMERICK

v.

JOHN A. IOZZA

Submitted on Briefs March 3, 2009

Decided March 17, 2009

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

MEMORANDUM OF DECISION

John A. Iozza appeals from the judgment of the District Court (Springvale, *Cantara, J.*) entering judgment for the Town of Limerick in its M.R. Civ. P. 80K land use violation action after Iozza failed to appear for trial. Because Iozza did not seek to strike the default or reopen the judgment in the trial court before appealing to this Court, we review the trial court's judgment only for obvious error. *Fleet Mortgage Corp. v. Cobb*, 611 A.2d 565, 566 (Me. 1992). Contrary to Iozza's contentions, the court (*Janelle, J.*) did not err or abuse its discretion in denying Iozza's motion for a continuance. The available record indicates that Iozza had more than sufficient time to obtain legal counsel and prepare a defense, since his discussions with the Town regarding his automobile junkyard had begun far in advance of trial.

The entry is:

Judgment affirmed.

John A. Iozza, pro se:

John A. Iozza
685 Broadway # 9
Malden, Massachusetts 02148

Attorney for the Town of Limerick:

Natalie L. Burns, Esq.
Jensen Baird Gardner & Henry
PO Box 4510
Portland, Maine 04112