

ANDREWS B. CAMPBELL et al.

v.

JOHN P. ALLEN

Submitted on Briefs May 27, 2010

Decided June 8, 2010

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

#### MEMORANDUM OF DECISION

John P. Allen appeals from a Superior Court judgment (York County, *Brennan, J.*) dismissing his motion for relief from a 2007 stipulated judgment pursuant to M.R. Civ. P. 60(b)(2), (3). On appeal, Allen argues that the Superior Court abused its discretion in dismissing his motion as untimely because he was unable to discover the alleged fraud prior to the time of filing and because he acted with due diligence once the alleged fraud was discovered. Contrary to Allen's contentions, a motion for relief from judgment pursuant to M.R. Civ. P. 60(b)(2), (3) must be brought "not more than one year after the judgment, order, or proceeding was entered or taken." See M.R. Civ. P. 60(b)(2), (3); *accord Wooldridge v. Wooldridge*, 2008 ME 11, ¶ 6, 940 A.2d 1082, 1084; *Sargent v. Sargent*, 1997 ME 38, ¶ 12, 691 A.2d 184, 187. The Superior Court did not abuse its discretion in dismissing his motion as untimely.

The entry is:

Judgment affirmed.

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