

TOWN OF WAYNE

v.

RANDY BARBER

Submitted on Briefs March 2, 2011
Decided March 15, 2011

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

MEMORANDUM OF DECISION

Randy Barber appeals from the judgment of the District Court (Augusta, *Mulhern, J.*) entering a default judgment and denying Barber's motion to vacate the default judgment in the Town of Wayne's land use violation action pursuant to M.R. Civ. P. 80K. Barber's primary contention on appeal is that the court erred or abused its discretion in failing to vacate its entry of default and its default judgment in this matter. The court neither erred or abused its discretion in denying the motions to vacate the default and the default judgment because the material submitted in support of the motions failed to indicate that Barber had any meritorious defense to the Town's action. *Estate of Gordan*, 2004 ME 23, ¶ 19, 842 A.2d 1270, 1275-76 (default may be vacated only when party demonstrates good cause for a late response and a meritorious defense to the action).

The entry is:

Judgment affirmed.

Randy Barber, pro se:

Randy Barber
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Wayne, Maine 04284

The Town of Wayne did not file a brief

Augusta District Court docket number CV-2010-148
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