

BOBBI LEE BERRACAH

v.

JARROD M. RUSSELL

Submitted on Briefs May 25, 2022
Decided June 2, 2022

Panel: STANFILL, C.J., and JABAR, HORTON, CONNORS, and LAWRENCE, JJ.

MEMORANDUM OF DECISION

Bobbi Lee Berracah appeals from a post-divorce judgment entered in the District Court (Biddeford, *Moskowitz, J.*) denying her motion for contempt against Jarrod M. Russell. The court's judgment was entered on August 6, 2021, and the usual twenty-one-day appeal period expired on August 27, 2021. *See* M.R. App. P. 2B(c)(1). Although the appeal period is extended by the timely filing of a motion for further findings or to amend the judgment, M.R. App. P. 2B(c)(2)(B), (D), Berracah's motion pursuant to Rules 52 and 59, which was filed on August 23, 2021, was not timely, *see* M.R. Civ. P. 52(b), 59(e). The appeal period with respect to the court's judgment was therefore never extended by the filing of Berracah's Rules 52 and 59 motion, and Berracah's notice of appeal, which was filed on November 10, 2021, was well beyond the appeal period.¹

¹ Berracah's notice of appeal would have been untimely even if the appeal period had been extended by the timely filing of her motion pursuant to Rules 52 and 59. The court entered its order denying Berracah's motion on October 19, 2021, and the appeal period would have expired on November 9, 2021. M.R. App. P. 2B(c)(2).

Because the timely filing of a notice of appeal is a prerequisite to our entertaining an appeal, we dismiss it as untimely. *See, e.g., Estate of Sheltra*, 2020 ME 108, ¶ 21, 238 A.3d 234; *Bourke v. City of S. Portland*, 2002 ME 155, ¶ 4, 806 A.2d 1255.

The entry is:

Appeal dismissed.

Virginia Lee Holt, Esq., Holt Family Law, Saco, for appellant Bobbi Lee Berracah

Jarrold M. Russell did not file a brief

Biddeford District Court docket number FM-2009-40
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