

DOUGLAS DAY

v.

JUDITH PARKER-DAY

Submitted on Briefs September 27, 2000
Decided October 20, 2000

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY,
ALEXANDER, and CALKINS, JJ.

MEMORANDUM OF DECISION

Judith Parker-Day appeals from the judgment of the Superior Court (Cumberland County, *Crowley, J.*) affirming the denial of her motions to reopen or set aside a divorce judgment entered in the District Court (Portland, *Janelle, J.*). Contrary to Parker-Day's contentions, the court did not abuse its discretion or commit error by denying her motion for a new trial, *see LaRochelle v. Cyr*, 1998 ME 52, ¶ 8, 707 A.2d 799, 801. There was no evidence of mistake or fraud that would entitle her to relief from the divorce judgment, and what she labelled as new evidence could have been discovered with due diligence, *see McKeen & Assocs. v. Dep't of Transp.*, 1997 ME 73, ¶ 4, 692 A.2d 924, 925-26. Nor did the court err in concluding that certain assets and gifts were nonmarital, *see Clum v. Graves*, 1999 ME 77, ¶¶ 9, 10, 729 A.2d 900, 904.

The entry is:

Judgment affirmed.

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