

SUKRAN FARNSWORTH

v.

NORMAN A. FARNSWORTH JR.

Submitted on Briefs November 21, 2001
Decided December 7, 2001

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

MEMORANDUM OF DECISION

Sukran Farnsworth appeals from a judgment of the District Court (Ellsworth, *Staples, J.*) granting her a divorce from Norman Farnsworth on the grounds of irreconcilable marital differences. Sukran Farnsworth contends that the District Court erred in: (1) not dismissing the case on its own motion after it was inactive for more than three years; (2) restoring the case to the docket and not dismissing it in response to her several motions to dismiss; and (3) finding irreconcilable marital differences to justify the divorce. Contrary to Sukran Farnsworth's contentions, Norman Farnsworth filed a timely response to Sukran Farnsworth's complaint, admitting its allegations, including irreconcilable marital differences. Thus, there was sufficient evidence to grant the divorce, and the District Court acted properly and within its discretion in refusing to dismiss the action on Sukran Farnsworth's motions. M.R. Civ. P. 41(a)(1); 41(b)(1).

The entry is:

Judgment affirmed.

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