

STATE OF MAINE
CUMBERLAND, ss

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-18-347

MBC VENTURES, LLC,

Plaintiff

v.

ORDER

ROGER RANDALL, d/b/a
RI RANDALL & SONS,
ROGER RANDALL, and
BONNIE RANDALL,

Defendants

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Before the court is defendants Roger Randall and Bonnie Randall's motion for leave to file late answer. Pursuant to M.R. Civ. P. 12(a), a defendant "shall serve that defendant's answer within 20 days after the service of summons and complaint upon that defendant." M.R. Civ. P. 12(a). Plaintiff served defendants on August 14, 2018. Plaintiff filed its request for default and default judgment on November 1, 2018. Defendants Roger Randall and Bonnie Randall filed their answer on November 6, 2018. Roger Randall d/b/a RI Randall & Sons was not listed as a party in the answer.

"When a party moves to enlarge time to answer after the deadline to answer has passed, that party must show that the failure to act was a result of 'excusable neglect.'" Dyer Goodall & Federle, LLC v. Proctor, 2007 ME 145, ¶ 17, 935 A.2d 1123; M.R. Civ. P. 6(b)(2). "Excusable neglect will be found only when there are extraordinary circumstances that work an injustice. In this analysis, self-represented parties are subject to the same standards as represented parties, and they are not excused from complying with procedural rules." Dyer, 2007 ME 145, ¶ 18, 935 A.2d 1123 (citations omitted).

In their motion for leave to file late answer, defendants state that “[d]efendants were pro se and understood neither their legal rights, nor their obligations.” (Mot. for Leave to File Late Ans. ¶ 1.) Defendants state further they were communicating with plaintiff’s counsel. (Id. ¶ 3.) Defendants have not shown excusable neglect. See Cutler v. Downeast Mortg. Corp., 2009 ME 84, ¶ 15, 976 A.2d 929 (“financial constraints and inexperience with the judicial system” do not constitute good cause); Dyer, 2007 ME 145, ¶ 21, 935 A.2d 1123 (no evidence of extraordinary circumstances).

The entry is

Defendants Roger Randall and Bonnie Randall’s Motion for Leave to File Late Answer is DENIED.

Date: January 8, 2018



Nancy Mills
Justice, Superior Court

Entered on the Docket: 1-9-18