

STATE OF MAINE  
LINCOLN, SS.

SUPERIOR COURT  
Civil Action  
Docket No. AP-2017-01

KEVIN LEE, )  
Plaintiff, )  
 )  
 )  
v. )  
 )  
 )  
CRAIG LEE, )  
Defendant. )

DISMISSAL ORDER

The Plaintiff seeks to appeal a small claims judgment entered on November 23, 2016. Rule 11(a) of the Maine Rules of Small Claims Procedure governs the deadlines for filing appeals of small claims judgments:

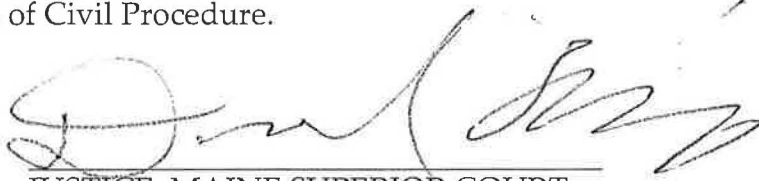
An aggrieved party may appeal from a judgment of the District Court in a small claims action to the Superior Court in the county in which the division of the District Court entering judgment is located. The time within which an appeal may be taken shall be 30 days from the entry of the judgment appealed from, except that upon a showing of excusable neglect the court may extend the time for filing the notice of appeal for up to 30 days from the expiration of the original time set by this rule.

In this case, the Plaintiff filed his appeal on January 26, 2017 -- 64 days after the entry of judgment. Therefore, this court is without jurisdiction to consider the appeal, regardless of the reasons for the delayed filing. See Thomas v. BFC Marine/Bath Fuel Co., 2004 ME 27, ¶ 1, 843 A.2d 3 ("Because we agree . . . that BFC's appeal to the Superior Court was untimely, and that the Superior Court was without jurisdiction to hear that appeal and the District Court judgment should not be disturbed, we vacate the judgment . . .").

The Plaintiff's Motion to extend the deadline for filing an appeal is DENIED and his appeal is DISMISSED WITH PREJUDICE.

The Clerk is directed to incorporate this Order by reference into the docket for this case, pursuant to Rule 79(a), Maine Rules of Civil Procedure.

Dated: February 16, 2017

  
JUSTICE, MAINE SUPERIOR COURT  
Daniel Billings