

STATE OF MAINE  
YORK, SS.

SUPERIOR COURT  
Civil Action  
Docket No. AP-16-0027

THE PATTERSON COMPANIES, LLC,

Plaintiff/Appellee

v.

ORDER

JACOB JACKSON,

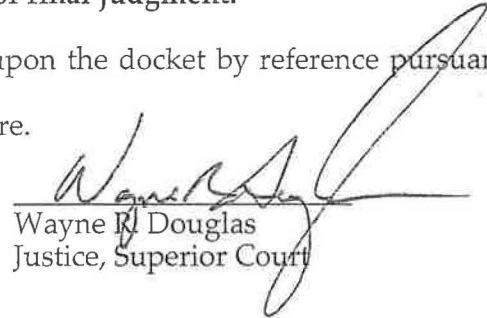
Defendant/Appellant

This small claims appeal involves an action against a former tenant, Mr. Jackson, for damages arising out of the tenancy. Final hearing was held in Springvale District Court on June 16, 2016. Mr. Jackson failed to appear. The court issued a default judgment in the amount of \$3,788.79. On July 12, 2016 Jackson filed a notice of appeal requesting a jury trial de novo in Superior Court. The appeal is dismissed for two reasons. A defendant who fails to appear for the small claims trial in the District Court waives his right to a jury trial de novo in Superior Court. *H & H Oil Co., Inc v. Dineen*, 557 A.2d 604, 605 (Me. 1989). And, appellant has not filed an affidavit in support of his request that complies with the rules. See M.R.S.C.P. 11(d)(2); M.R. Civ. P. 80L(c)(1), M.R. Civ. P. 56(e). To the extent appellant has any remedies, they lie in the District Court.

Accordingly, it is hereby **ORDERED** and the entry is: **Appeal is DISMISSED. Case is remanded to District Court for entry of final judgment.**

The clerk may incorporate this order upon the docket by reference pursuant to Rule 79(a) of the Maine Rules of Civil Procedure.

DATE: September 26, 2016

  
Wayne R. Douglas  
Justice, Superior Court

AP-16-27

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