

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MAINE

Stephanie Tamaki v. Atsushi Tamaki a/k/a Atchan Tamaki

Tamaki · No. 2:23-cv-00312-LEW · Decided March 20, 2026

SUMMARY

The United States District Court for the District of Maine issues a supplemental indicative ruling on Defendant Atsushi Tamaki’s motion for relief from a default judgment and Plaintiff Stephanie Tamaki’s motion for sanctions. The court concludes that service by alternate means was not warranted and did not provide effective service or actual notice, indicating that relief from the judgment would be appropriate under Federal Rule of Civil Procedure 60(b)(4) or, alternatively, Rule 60(b)(3), subject to the pending appeal. The court denies Plaintiff’s motion for sanctions.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                           |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Maine                                                                                                                                                                                                                                    |
| WRITING FOR THE COURT | Lance E. Walker                                                                                                                                                                                                                                                                           |
| JURISDICTION          | United States District Court for the District of Maine                                                                                                                                                                                                                                    |
| DECIDED               | March 20, 2026                                                                                                                                                                                                                                                                            |
| DOCKET                | 2:23-cv-00312-LEW                                                                                                                                                                                                                                                                         |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | Supplemental indicative ruling under Federal Rule of Civil Procedure 62.1 concerning Defendant's renewed motion for relief from a default judgment while an appeal was pending; the court also ruled on Plaintiff's motion for sanctions.                                                 |
| STANDARD OF REVIEW    | Discretion under Federal Rule of Civil Procedure 60; relief from a void judgment under Rule 60(b)(4) may be granted at any time. The ruling was issued indicatively under Rule 62.1 because an appeal deprived the district court of jurisdiction to grant the requested relief directly. |
| PRECEDENTIAL VALUE    | unpublished district court order; nonprecedential                                                                                                                                                                                                                                         |
| PARTIES               | Atsushi Tamaki a/k/a Atchan Tamaki v. Stephanie Tamaki                                                                                                                                                                                                                                    |

TOPICS

- service of process
- default judgment
- motion for reconsideration
- sanctions
- appellate procedure

## PRACTICE AREAS

civil procedure

appellate procedure

remedies

sanctions

## QUESTIONS PRESENTED

1. Whether the default judgment should be set aside because service by alternate means was not properly authorized and did not provide Defendant with notice of the action.
2. Whether extraordinary circumstances and the absence of effective service or actual notice warranted relief under Federal Rule of Civil Procedure 60.
3. Whether Plaintiff was entitled to attorney-fee or civil-penalty sanctions based on statements and conduct in the litigation.

## HOLDINGS

1. The default judgment was void for lack of effective service because the prerequisites for alternate service were not established and the alternate service did not provide Defendant with notice of the action. The court therefore indicated that it would grant Defendant's Rule 60 motion and vacate the amended default judgment if the First Circuit remanded with permission.
2. Relief from the default judgment was warranted because extraordinary circumstances existed, Defendant had a viable defense, relief was appropriate to accomplish justice, and granting relief would not unfairly prejudice Plaintiff.
3. Plaintiff's motion for sanctions was denied because the court would not impose attorney-fee or civil-penalty sanctions based on disputed ultimate factual issues and because the judicial-process privilege provided substantial latitude for the parties' litigation positions.

## KEY QUOTATIONS

*"Given the lack of effective service or actual notice, the Judgment of Default is void for lack of service and can be set aside at any time pursuant to Fed. R. Civ. P. 60(b)(4)." (Discussion § A)*

*"Specifically, this Order is drawn to indicate to the First Circuit Court of Appeals that I will grant Defendant's Motion for Relief from Judgment and vacate the Amended Default Judgment if the matter is remanded with allowance that I do so" (Conclusion)*

## FACTUAL BACKGROUND

Plaintiff sued Defendant for alleged childhood sexual abuse. After two unsuccessful service efforts at Defendant's residence and workplace, the court authorized alternate service based on an affidavit stating that Defendant had avoided service and that Plaintiff had exercised due diligence. The court later found, after an evidentiary hearing, that the service efforts were not sufficiently exhaustive, Defendant had not actually evaded service, and Defendant never received the documents or actual notice of the action before the default judgment and execution proceedings. The court also found that material service-related testimony and representations were based on unreliable memories, although it did not find counsel's affidavit knowingly false.

## PROCEDURAL HISTORY

The court entered a \$4,000,000 default judgment against Defendant after authorizing service by alternate means. Defendant later appeared after execution proceedings began and moved for relief from judgment under Rule 60. The court initially denied relief, Defendant appealed, and the court held an evidentiary hearing pursuant to an earlier indicative ruling. In this supplemental indicative ruling, the court stated that it would grant relief and vacate the amended default judgment if the First Circuit remanded with permission, while denying Plaintiff's sanctions motion.

#### DISPOSITION

other

#### REMAND INSTRUCTIONS

The court indicated to the First Circuit that, if the case were remanded with allowance to act, it would grant Defendant's Motion for Relief from Judgment and vacate the Amended Default Judgment. Defendant was directed to promptly notify the circuit clerk under Federal Rule of Appellate Procedure 12.1. Plaintiff's Motion for Sanctions was denied.

#### CASES CITED

- Precision Etchings & Findings, Inc. v. LGP Gem, Ltd., 953 F.2d 21, 23 (1st Cir. 1992)
- Bouret-Echevarria v. Caribbean Aviation Maintenance Corp., 784 F.3d 37, 41 (1st Cir. 2015)
- Dineen v. Daughan, 381 A.2d 663, 664 (Me. 1978)