

SUPREME JUDICIAL COURT OF MAINE

Owen v. Healy

896 A.2d 965 (Me. 2006) · Decided May 12, 2006

SUMMARY

The Maine Supreme Judicial Court held that a party represented by counsel may not be defaulted solely for failing to appear personally at trial. The court vacated the default judgment arising from an automobile collision and remanded for further proceedings, while upholding the denial of the defendant's motion for judgment as a matter of law on the existing record.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Alexander, J.; Saufley, C.J.; Clifford, J.; Dana, J.; Levy, J.; Silver, J.
JURISDICTION	Maine
DECIDED	May 12, 2006
DISPOSITION	vacated
PROCEDURAL POSTURE	Sean Healy appealed from a District Court default judgment awarding Charlotte Owen \$7,684.78, plus interest and costs, for damage to her vehicle in an automobile collision.
STANDARD OF REVIEW	The denial of a motion for judgment as a matter of law under M.R. Civ. P. 50(d) is reviewed by examining the record in the light most favorable to the nonmoving party to determine whether any reasonable view of the evidence, including all justifiable inferences, can sustain the verdict. The moving party bears the burden of showing that the adverse judgment is clearly and manifestly wrong.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Judicial Court of Maine
PARTIES	Sean Healy v. Charlotte Owen

TOPICS

- default judgment
- default
- civil procedure
- standard of review
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the District Court properly entered a default against Healy solely because he was personally absent from trial while represented by counsel.
2. Whether the District Court properly denied Healy's motion for judgment as a matter of law after entering the default and deeming the complaint's allegations admitted.

HOLDINGS

1. A party may not be defaulted for failing to appear personally at trial when the party's counsel is present and representing the party.
2. The District Court properly denied Healy's motion for judgment as a matter of law.

KEY QUOTATIONS

"Sheepscot does not support the proposition that a party may be defaulted if they fail to personally appear at trial, even if represented by counsel at trial." (896 A.2d at 967)

"Evidence of a party's unexplained failure to appear in person is 'highly relevant and probative evidence' at trial. But such evidence must be considered at trial. It does not justify a default that avoids trial where, as here, the missing party is represented by counsel." (896 A.2d at 968)

FACTUAL BACKGROUND

Owen and Healy's vehicles collided at the intersection of Routes 1 and 88 in Falmouth in 2001. Owen alleged that Healy's negligence caused the collision and sought recovery for damage to her Ford Taurus. At trial, Healy was not personally present, but his counsel appeared and participated; Owen presented limited testimony about the accident and evidence of damages, while Healy's counsel did not cross-examine Owen and moved for judgment as a matter of law after she rested.

PROCEDURAL HISTORY

Owen brought a subrogation action in her name against Healy for damage to her vehicle. Healy answered and denied liability. At trial, Healy was absent but represented by counsel; the District Court declared him in default, treated the complaint's allegations as admitted, denied his motion for judgment as a matter of law, and entered judgment for Owen. The Supreme Judicial Court of Maine vacated the judgment and remanded for further proceedings.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The default judgment is vacated, and the matter is remanded to the District Court for further proceedings consistent with the opinion.

CASES CITED

- Sheepscoot Land Corp. v. Gregory, 383 A.2d 16 (Me. 1978)
- Vondell v. Purdy, 358 A.2d 534 (Me. 1976)
- Twin Island Development Corp. v. Winchester, 512 A.2d 319 (Me. 1986)
- Guardianship of Hughes, 1998 ME 186, 715 A.2d 919 (Me. 1998)

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