

SUPREME JUDICIAL COURT OF MAINE

Ivan J. Davies v. Mary T. Davies

2022 ME 56 (2022) · No. Yor-22-60 · Decided November 15, 2022

SUMMARY

The Maine Supreme Judicial Court held that a Rule 59(a) motion seeking to reopen evidence in a matter involving only child support is exempt from the post-judgment filing fee under Maine Administrative Order JB-05-26. The Court vacated the District Court’s order striking Mary T. Davies’s motion for failure to pay the fee and remanded with instructions to restore the motion to the docket as of its original filing date.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Connors, J.; Stanfill, C.J.; Mead, J.; Jabar, J.; Horton, J.; Lawrence, J.
JURISDICTION	Maine
DECIDED	November 15, 2022
DOCKET	Yor-22-60
DISPOSITION	vacated
PROCEDURAL POSTURE	Mary T. Davies appealed from an order of the District Court striking her Rule 59(a) motion to reopen evidence in a child-support modification proceeding because she had not paid a filing fee.
STANDARD OF REVIEW	The interpretation of procedural rules is reviewed de novo, using the plain language of the rules.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Mary T. Davies v. Ivan J. Davies

TOPICS

- child support
- family law procedure
- statutory interpretation
- plain meaning rule
- appellate procedure

PRACTICE AREAS

- Family law
- Maine civil procedure
- Appellate procedure

QUESTIONS PRESENTED

1. Whether Revised Court Fees Schedule and Document Management Procedures, Me. Admin. Order JB-05-26, requires a filing fee for a Rule 59(a) motion filed in a proceeding concerning only the modification or enforcement of child support.

HOLDINGS

1. The administrative order exempts from the post-judgment filing fee a Rule 59 motion whose purpose is to address the modification or enforcement of child support. Because Mary's motion sought to reopen evidence concerning the child-support modification, she was not required to pay a filing fee.

KEY QUOTATIONS

“It follows that the only reading of our administrative order that gives any meaning at all to the exception is one that exempts the filing fee when the purpose of “a Motion pursuant to M.R. Civ. P. 55(b)(2), 59, 60(b), 62, or 66” is to address the modification or enforcement of child support.” (¶ 9)

“Because Mary was not required to pay a filing fee, we vacate the trial court’s order striking Mary’s motion to reopen evidence and remand to the trial court to restore her motion to the docket as of the original filing date of November 30, 2021.” (¶ 10)

FACTUAL BACKGROUND

Ivan and Mary Davies divorced in 2007, and Ivan was ordered to pay Mary \$910 per month in child support. In 2018, Ivan moved to modify support after the parties' oldest child reached nineteen and graduated from high school; the District Court ultimately reduced his obligation to \$455 per month. Mary filed a Rule 59(a) motion to reopen evidence based on allegedly unavailable evidence concerning Ivan's 2021 income, but the clerk returned it for failure to include a filing fee and the District Court struck the refiled motion.

PROCEDURAL HISTORY

Ivan Davies obtained a reduction in his child-support obligation after the District Court granted his motion to modify support. Mary then filed a Rule 59(a) motion to reopen evidence, asserting that newly discovered income evidence warranted reconsideration. The clerk returned the motion for failure to pay a filing fee, and the District Court later struck the refiled motion. The Supreme Judicial Court of Maine vacated and remanded.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The District Court must restore Mary's motion to the docket as of the original filing date, November 30, 2021, and conduct further proceedings consistent with the opinion.

CASES CITED

- U.S. Bank Tr., N.A. v. Keefe, 2020 ME 104, ¶ 6, 237 A.3d 904

- Higgins v. Wood, 2018 ME 88, ¶ 58, 189 A.3d 724
- Dickau v. Vt. Mut. Ins., 2014 ME 158, ¶ 21, 107 A.3d 621
- Russell v. ExpressJet Airlines, Inc., 2011 ME 123, ¶ 16, 32 A.3d 1030
- State v. Dubois Livestock, Inc., 2017 ME 223, ¶ 8, 174 A.3d 308
- Cent. Me. Power Co. v. Devereux Marine, Inc., 2013 ME 37, ¶ 15, 68 A.3d 1262
- Cobb v. Bd. of Counseling Pros. Licensure, 2006 ME 48, ¶ 20, 896 A.2d 271

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