

SUPREME JUDICIAL COURT OF MAINE

Kathleen L. Jellison v. Ralph E. Jellison Jr.

2026 ME 3 (Supreme Judicial Court of Maine 2026) · No. Han-25-149 · Decided January 20, 2026

SUMMARY

Kathleen L. Jellison appealed an order granting Ralph E. Jellison Jr.’s motion for relief from a divorce judgment under Maine Rule of Civil Procedure 60(b). The Maine Supreme Judicial Court held that granting relief was inconsistent with its prior mandate affirming the amended divorce judgment, because the challenged provisions had been presented on appeal and Ralph had not cross-appealed. The court vacated the order and remanded with instructions to deny the motion.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	CONNORS, J.; STANFILL, C.J.; MEAD, J.; DOUGLAS, J.; LIPEZ, J.
JURISDICTION	Maine Supreme Judicial Court
DECIDED	January 20, 2026
DOCKET	Han-25-149
DISPOSITION	vacated
PROCEDURAL POSTURE	Kathleen appealed from the District Court's order granting Ralph's motion for relief from the amended divorce judgment under Maine Rule of Civil Procedure 60(b).
STANDARD OF REVIEW	The court reviews a trial court's grant of a Rule 60(b) motion for an abuse of discretion. An error of law may constitute an abuse of discretion.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Kathleen L. Jellison v. Ralph E. Jellison Jr.

TOPICS

- family law procedure
- divorce
- appellate procedure
- remedies
- standard of review

PRACTICE AREAS

- family law
- civil procedure
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether the District Court abused its discretion by granting Ralph's Rule 60(b) motion after the provisions at issue had been included in the amended judgment affirmed on appeal.
2. Whether a party that did not cross-appeal may use Rule 60(b) to challenge provisions of a judgment that were expressly or impliedly disposed of in the prior appeal.

HOLDINGS

1. The District Court erred by granting Ralph's Rule 60(b) motion because the requested relief was inconsistent with the Maine Supreme Judicial Court's mandate affirming the March 8 amended judgment.
2. Rule 60(b) may not be used as an alternative method of appellate review or to circumvent the consequences of failing to take a direct appeal or cross-appeal.

KEY QUOTATIONS

“Ralph’s Rule 60(b) motion should not have been granted because it was inconsistent with our mandate affirming the March 8 amended judgment.” (¶ 14)

“Rule 60(b) ‘was not intended as an alternative method of appellate review, nor as a procedural means by which legal errors readily correctible on appeal may be challenged in a second round of litigation.’” (¶ 17)

“Just as Rule 60(b) is not a means of circumventing the deadline for direct appeal, it also does not countenance failures to cross-appeal.” (¶ 17)

FACTUAL BACKGROUND

The parties' divorce judgment incorporated an agreement under which Kathleen received marital real estate valued at approximately \$250,000, subject to a home-equity loan of approximately \$45,823.58, while Ralph received a marital Verso 401(k) valued at approximately \$250,000. In an amended judgment, the District Court ordered Ralph to pay Kathleen \$30,000 from the 401(k) toward the real-estate debt. Kathleen appealed and expressly challenged that provision as inequitable, but Ralph did not cross-appeal. After the Maine Supreme Judicial Court affirmed, Ralph obtained Rule 60(b) relief in the District Court based on the court's alleged mistake in including the payment provision.

PROCEDURAL HISTORY

The District Court entered a divorce judgment incorporating the parties' agreement concerning their marital real estate, home-equity debt, and Ralph's Verso 401(k). After Kathleen moved to alter or amend the judgment, the court issued an amended judgment requiring Ralph to pay \$30,000 from the 401(k) toward the home-equity debt. Kathleen appealed, and the Maine Supreme Judicial Court affirmed the judgment. Ralph then sought relief under Rule 60(a), which was vacated, and later under Rule 60(b); the District Court granted the Rule 60(b) motion and struck the \$30,000 payment provision. The Supreme Judicial Court vacated that order and remanded with instructions to deny the Rule 60(b) motion.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Vacate the order granting relief from judgment and remand with instructions to enter an order denying Ralph's motion for relief from judgment.

CASES CITED

- *Jellison v. Jellison*, Mem-24-115 (Nov. 7, 2024)
- *Wood v. Wood*, 602 A.2d 672, 674 (Me. 1992)
- *Warren v. Waterville Urb. Renewal Auth.*, 290 A.2d 362, 365 (Me. 1972)
- *State v. Sway*, 2003 ME 93, ¶ 11, 828 A.2d 790
- *Biggins v. Hazen Paper Co.*, 111 F.3d 205, 209 (1st Cir. 1997)
- *Bean v. Cummings*, 2008 ME 18, ¶ 18, 939 A.2d 676
- *Ezell v. Lawless*, 2008 ME 139, ¶ 28, 955 A.2d 202
- *Kemp v. United States*, 596 U.S. 528, 539 (2022)
- *Bromfield v. Commonwealth*, 508 N.E.2d 842, 844 (Mass. 1987)
- *Gulf Coast Bldg. & Supply Co. v. Int'l Bhd. of Elec. Workers, Loc. No. 480, AFL-CIO*, 460 F.2d 105, 108 (5th Cir. 1972)
- *Chatfield v. Estate of Chatfield*, 2025 ME 69, ¶ 12, 340 A.3d 126
- *Reville v. Reville*, 370 A.2d 249, 254 (Me. 1977)