

**ENTRY ORDER**

SUPREME COURT DOCKET NO. 2007-418

MARCH TERM, 2008

Katherine Whitmore	}	APPEALED FROM:
	}	
v.	}	Orleans Superior Court
	}	
Town of Greensboro	}	DOCKET NO. 107-4-05 Oscv

In the above-entitled cause, the Clerk will enter:

Appellee’s motion to dismiss the above appeal for lack of jurisdiction is granted. Appellee filed this motion after the trial court granted Appellant’s motion to extend the time for filing her notice of appeal pursuant to V.R.A.P. 4. We conclude that the trial court abused its discretion in granting Appellant’s motion, and thus dismiss the appeal for lack of jurisdiction.

Appellant missed the deadline to file her notice of appeal due to a miscommunication with her attorney through apparent email error. V.R.A.P. 4 allows that the trial court “may extend the time for filing the notice of appeal by any party (1) for good cause . . . [or] (2) excusable neglect.” We interpret this rule stringently, and have held that an “internal office procedure breakdown” in counsel’s office does not qualify as “excusable neglect.” In re Town of Killington, 2003 VT 87A, ¶ 19, 176 Vt. 60, 838 A.2d 98. As such, we find that the trial court abused its discretion in finding “excusable neglect” in this case, and grant Appellee’s motion to dismiss the above appeal for lack of jurisdiction.

BY THE COURT:

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Paul L. Reiber, Chief Justice

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Denise R. Johnson, Associate Justice

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Marilyn S. Skoglund, Associate Justice

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Brian L. Burgess, Associate Justice