

Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

SUPREME COURT DOCKET NO. 2006-518

JUNE TERM, 2007

Barbara Donnelly	}	APPEALED FROM:
	}	
	}	
v.	}	Orleans Superior Court
	}	
Anna McNiffe	}	
	}	DOCKET NO. 181-8-06 Osecv
	}	
		Trial Judge: Edward J. Cashman

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

Defendant seeks review of a November 13, 2006 default judgment in which the superior court found her in contempt, ordered her to ensure the delivery of plaintiff’s belongings, and set damages at \$7100. In her direct appeal to this Court, she provides excuses for not attending the November 2 and November 13 hearings and makes factual allegations concerning the merits of the dispute between the parties. We dismiss the appeal because a party seeking to overturn a default judgment may not appeal directly to this Court, but rather must seek to set aside the judgment by filing a motion to reopen under V.R.C.P. 60(b). V.R.C.P. 55(c) (“If a judgment by default has been entered, the court may set it aside in accordance with Rule 60(b) and not otherwise.”); Moore v. Beecher, 145 Vt. 659, 659 (1984) (mem.) (motions under Rule 55(c) to set aside a default judgment “are properly addressed only to the trial court”).

Appeal dismissed.

BY THE COURT:

Paul L. Reiber, Chief Justice

John A. Dooley, Associate Justice

Denise R. Johnson, Associate Justice