

STATE OF MAINE

SUPREME JUDICIAL COURT

DOCKET NO. Bar-99-5

BOARD OF OVERSEERS OF THE BAR)
)
v.)
)
THOMAS M. MANGAN)
OF LEWISTON, MAINE)
)

ORDER ON MOTION
FOR RELIEF FROM
JUDGMENT

Thomas M. Mangan has filed a Motion for Relief from Judgment, seeking to have the Judgment and Findings dated February 28, 2000, set aside pursuant to M.R. Civ. P. 60(b)(6).¹ The Board of Overseers opposes Mangan’s motion and has filed a motion to dismiss.²

Mangan’s motion for relief from judgment is untimely. Even if it were assumed that the issues raised in Mangan’s motion properly fall within Rule 60(b)(6), as opposed to 60(b)(1), (2), or (3), the motion has not been made “within

¹ Mangan also appears to request that, assuming the findings are set aside, the Judgment of the full Court dated January 16, 2001, which affirmed the findings and the subsequent Final Judgment ordering disbarment, be vacated. This request is moot under this Order.

² Mangan also filed a “Response to Plaintiff’s Reply Dated January 8, 2007,” in response to which the Board of Overseers filed a motion to strike.

a reasonable time,” as required by M.R. Civ. P. 60(b)(6).³ See M.R. Civ. P. 60(b); *Moore v. Doyle*, 2003 ME 105, ¶¶ 11-13, 829 A.2d 260, 263-64.

Therefore, it is ORDERED:

Respondent’s Motion for Relief from Judgment is dismissed. Plaintiff’s motion to strike “Defendant’s Response to Plaintiff’s Reply Dated January 8, 2007” is granted.

Dated: January 26, 2007

Howard H. Dana, Jr.
Associate Justice

³ A motion for relief from judgment for the reasons stated in M.R. Civ. P. 60(b)(1), (2), or (3) must be made not more than one year after the judgment, order, or proceeding was entered or taken. M.R. Civ. P. 60(b). These first three subsections of M.R. Civ. P. 60(b) are mutually exclusive from the catchall provision in subsection 6. See *In re Nathan C.*, 1998 ME 242, ¶ 3, 719 A.2d 539, 540.