

FIA CARD SERVICES, N.A.

v.

CAMILLE M. CYR

Submitted on Briefs April 24, 2013
Decided May 23, 2013

Panel: ALEXANDER, LEVY, SILVER, MEAD, and GORMAN, JJ.

MEMORANDUM OF DECISION

Camille M. Cyr appeals from the judgments of the District Court (West Bath, *Horton, J.*) entered in favor of the plaintiff, FIA Card Services, N.A., in separate actions to collect the unpaid debt on two credit cards. The judgment was entered after a nonjury trial.

Cyr claims many errors on appeal. Contrary to his primary contention, Bank of America's¹ refusal to permit him to pay his credit cards with funds from a frozen home equity line of credit does not constitute a defense, in this case, to Cyr's liability on the credit card accounts. He further argues that (1) the court abridged his right to a trial by jury; (2) FIA Card Services' attorneys acted improperly; (3) there was insufficient evidence to support the trial court's findings as to the amounts due and Cyr's responsibility to pay those amounts; (4) the trial court improperly refused to enter "defaults" against Bank of America and the credit card issuers; and (5) the trial court did not afford Cyr a sufficient opportunity to present evidence.

¹ FIA Card Services, N.A., is a subsidiary of Bank of America.

Our review of the record leads us to conclude that, contrary to Cyr's contentions, (1) the court did not err in denying Cyr's request for a jury trial, as the notice was not properly or timely filed with the appropriate fee, *see* M.R. Civ. P. 76C(a); (2) his allegations against FIA Card Services' attorneys are unfounded; (3) there was sufficient evidence in the record to support the trial court's findings as to the amounts due and Cyr's responsibility to pay those amounts; (4) the trial court acted within its discretion in denying Cyr's motions for "defaults"; and (5) the trial court provided Cyr a full and fair opportunity to present evidence.

The entry is:

Judgment affirmed.

On the briefs:

Camille M. Cyr, appellant pro se

Kate E. Conley, Esq., Susan J. Szwed, P.A., Portland, for appellee FIA Card Services, N.A.