

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2023 ND 92

Matilda N. Gartei,

Plaintiff and Appellee

v.

Kelvin M. Gartei,

Defendant and Appellant

No. 20220358

Appeal from the District Court of Cass County, East Central Judicial District,
the Honorable Reid A. Brady, Judge.

AFFIRMED.

Per Curiam.

Leah M. Warner, Fargo, ND, for plaintiff and appellee; submitted on brief.

Timothy P. Hill, Fargo, ND, for defendant and appellant; submitted on brief.

Gartei v. Gartei
No. 20220358

Per Curiam.

[¶1] Kelvin Gartei appeals from a district court order denying his motion to vacate the judgment. He argues the court erred in denying his motion to vacate and determining the matter was heard on the merits. “Our review is limited to whether there is a sufficient justification for disturbing the finality of the judgment.” *C & K Consulting, LLC v. Ward Cnty. Bd. of Comm’rs*, 2020 ND 93, ¶ 16, 942 N.W.2d 823. “We review the court’s decision for an abuse of discretion.” *Id.* We summarily affirm under N.D.R.App.P. 35.1(a)(4) and (7); see *Hildebrand v. Stolz*, 2016 ND 225, ¶¶ 8-9, 888 N.W.2d 197 (remedies applicable to default judgments do not apply when the district court hears testimony and receives evidence, even if from only one party).

[¶2] Jon J. Jensen, C.J.
Daniel J. Crothers
Lisa Fair McEvers
Jerod E. Tufte
Douglas A. Bahr