

defendant raised in his motion were available at the time of his initial Rule 59 motion and in his appeal to this Court from the final divorce order, and defendant offered no explanation as to why the arguments were not raised previously. In the same order, the court granted plaintiff's request for relief from abusive litigation under 15 V.S.A. § 1181. It found that defendant continually attempted to relitigate, reopen, or reconsider virtually all of the family court, criminal court, and Supreme Court rulings, without success. He failed to present new facts or cognizable legal arguments; he continued to make the same allegations and initiate litigation covering issues that were the same or similar to those raised in the instant proceeding. The court consequently restricted defendant from filing, initiating, advancing, or continuing property-related litigation against plaintiff in this case unless certain requirements were met. This appeal followed.

In his brief, defendant again challenges the distribution of marital property in the final divorce order and makes various allegations about the evidence and the credibility of witnesses in the divorce proceeding.*

We construe this as a challenge to the court's denial of his motion to set aside the final divorce order. Under Rule 60(b), the court may relieve a party from a final judgment order based on certain enumerated reasons, including, as a catchall, "any other reason justifying relief from the operation of the judgment." V.R.C.P. 60(b)(6). Motions seeking relief must be "filed within a reasonable time," and, if based on the reasons set forth in Rule 60(b)(1)-(3), within one year of the judgment. "The trial court has discretion when ruling on a motion for relief from judgment under Rule 60(b)." Sandgate Sch. Dist. v. Cate, 2005 VT 88, ¶ 6, 178 Vt. 625. Its decision will stand unless the moving party demonstrates "a clear and affirmative abuse of discretion." Id.

Defendant fails to make the necessary showing here. Defendant's challenges to the final divorce order were rejected on appeal. The trial court considered and rejected the arguments in defendant's post-judgment motion and provided a reasoned basis for its decision. Although defendant continues to disagree with the result of the divorce proceeding, he fails to show that the court abused its discretion in denying his motion to set aside the judgment. See, e.g., Meyncke v. Meyncke, 2009 VT 84, ¶ 15, 186 Vt. 571 (mem.) (explaining that arguments which amount to nothing more than disagreement with court's reasoning and conclusion do not make out case for abuse of discretion). Defendant similarly fails to show that the court erred in granting plaintiff's request for relief from abusive litigation, expressing only his disagreement with the court's reasoning. See id. We have considered all the arguments discernable in

* Defendant largely reiterates these arguments in the materials he filed as an "attachment" to his brief. Defendant appears to suggest in the attachment that his second Rule 59 motion should have been considered timely. We reject that argument. See V.R.C.P. 59(b) ("A motion for a new trial shall be filed not later than 28 days after the entry of the judgment."). To the extent defendant raises new arguments in his reply brief, including new challenges to the order against abusive litigation, we do not address these arguments. See, e.g., Gallipo v. City of Rutland, 2005 VT 83, ¶ 52, 178 Vt. 244 (stating that issues not raised in original brief may not be raised for first time in reply brief). Even if we were to address them, however, we would reject them as the court's findings and the record support its decision.

defendant's brief and attachment and consider them without merit. There is no basis to disturb the court's February 2025 entry order.

Affirmed.

BY THE COURT:

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

William D. Cohen, Associate Justice