

STATE OF MAINE  
HANCOCK, SS.

SUPERIOR COURT  
Docket No. CV-01-68

JMS - FAX - 11/26/2000

Laurence Rizzio, )  
Plaintiff, )  
)  
)  
v. )  
)  
)  
Sally Thompson, )  
Defendant. )

**DECISION AND JUDGMENT**

**DONALD L. GARDRECHT  
LAW LIBRARY**

MAR 11 2003

Before the court is the Plaintiff's Motion To Supplement and the Defendant's Motion For Summary Judgment. Sandra Hylander Collier for the Plaintiff and Melissa Hewey for the Defendant,

The Plaintiff's Motion To Supplement is granted.

The Defendant's Motion For Summary Judgment is granted.

The Plaintiff is unable to prove that a defamatory statement was made by the Defendant. The Plaintiff's case hangs on the affidavits of Pat Godin and Molly Mithoefer. These two witnesses indicated that Jane Weston told them that Sally Thompson said that she had a child abuser in her school. Assuming that the statement refers to the Plaintiff, the statement was made to Jane Weston. During her deposition Ms Weston did not indicate that she ever made this statement. The Plaintiff has a prior inconsistent statement made by Ms Weston and under the Rules of Evidence, these prior inconsistent statements can only be used to impeach the testimony of Jane Weston; the statements cannot be used as substantive evidence to prove that the prior inconsistent statements are true. Thus, the Plaintiff is without any evidence establishing that the alleged defamatory statement was made by the Defendant. For this reason, the Defendant's Motion For Summary Judgment is granted. Judgment is hereby entered for the Defendant.

The Clerk is directed to incorporate this Order into the docket by reference pursuant to M.R.Civ.P Rule 79 (a).

Dated: November 26, 2002



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JOSEPH JABAR  
JUSTICE, SUPERIOR COURT

**FILED &  
ENTERED**

NOV 26 2002

**SUPERIOR COURT  
HANCOCK COUNTY**