

STATE OF MAINE

YORK, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-12-207
PAE - YOR - 8/30/2013

MICHAEL BACON,

Plaintiff

v.

ORDER

LUPO, LLC

Defendant

The remaining defendant LUPO, LLC has filed a motion for partial summary judgment, which has been briefed and argued. The motion is granted in part.

The motion is denied as to the plaintiff's defamation claim contained in Count III of the complaint. The question of whether the alleged defamatory statement is a statement of fact or of opinion is a question of law. As the average reader could reasonably understand the statement as either fact or opinion, the issue must be submitted to the jury, *Caron v. Bangor Publishing Company*, 470 A.2d 782, 784 (Me. 1984).

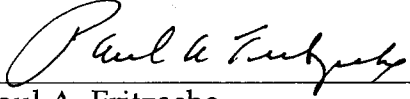
The motion will however be granted as to back pay after October 23, 2011. Mr. Bacon has neither been fired nor quit and has not produced any quantifiable claim for damages.

The motion will be granted without objection as to the claim of constructive discharge.

The entry is:

Defendant's motion for partial summary judgment granted in part, denied in part.

Dated: August 30, 2013



Paul A. Fritzsche
Justice, Superior Court

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