

SUPREME JUDICIAL COURT OF MAINE

Norman Gaudette v. Terry M. Davis

Gaudette, 2017 ME 86 (Supreme Judicial Court of Maine 2017) · No. Yor-15-564 · Decided May 9, 2017

SUMMARY

The Maine Supreme Judicial Court addressed the procedure for resolving special motions to dismiss under Maine’s anti-SLAPP statute, 14 M.R.S. § 556. The court clarified that, after the defendant establishes that the claims arise from petitioning activity and the plaintiff makes a prima facie showing, the trial court may allow limited discovery and conduct an evidentiary hearing at which the plaintiff must prove the required elements by a preponderance of the evidence. The court vacated the denial of Terry M. Davis’s motion and remanded for reconsideration under the clarified procedure.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Gorman, J.; Saufley, C.J.; Alexander, J.; Mead, J.; Jabar, J.; Humphrey, J.
JURISDICTION	Maine
DECIDED	May 9, 2017
DOCKET	Yor-15-564
DISPOSITION	vacated
PROCEDURAL POSTURE	Davis appealed from the Superior Court's denial of his special motion to dismiss Gaudette's complaint under Maine's anti-SLAPP statute, 14 M.R.S. § 556.
STANDARD OF REVIEW	The court reviews the trial court's ultimate decision on an anti-SLAPP special motion to dismiss de novo as a matter of law. Factual findings are reviewed for clear error, or to determine whether the trial court was compelled to find for the plaintiff when the plaintiff failed to meet the preponderance standard.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Terry M. Davis v. Norman Gaudette

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QUESTIONS PRESENTED

1. What procedure and burdens govern a special motion to dismiss under Maine's anti-SLAPP statute, 14 M.R.S. § 556?
2. Whether the defendant's statements constituted petitioning activity as a matter of law.
3. Whether, after the plaintiff makes a prima facie showing that petitioning activity lacked reasonable factual or legal support and caused actual injury, the special motion must automatically be denied or instead proceeds to limited discovery and an evidentiary hearing.

HOLDINGS

1. The defendant must first establish, based on the pleadings and affidavits and as a matter of law, that the claims are based on constitutionally protected petitioning activity. If that showing is made, the plaintiff must establish through pleadings and affidavits a prima facie case that the petitioning activity lacked any reasonable factual support or arguable legal basis and caused actual injury. If the plaintiff meets that prima facie burden as to any petitioning activity, the motion is not automatically denied; on motion by either party, the court must permit a brief period of limited discovery followed by an evidentiary hearing, unless the parties do not request discovery or a hearing.
2. Any discovery and evidentiary hearing must be strictly limited to whether the defendant's petitioning activity lacked reasonable factual support or an arguable legal basis and caused actual injury; they may not address the merits of the underlying causes of action or petitioning activities for which the plaintiff failed to make a prima facie showing.
3. Davis's statements concerning the sexual-abuse allegations and their handling fell within the broad statutory definition of petitioning activity as a matter of law.

KEY QUOTATIONS

“First, as always, the defendant must file a special motion to dismiss and establish, based on the pleadings and affidavits, that “the claims against [him] are based on [his] exercise of the right to petition pursuant to the federal or state constitutions.”” (¶ 16)

“At the evidentiary hearing, it is the plaintiff’s burden to establish, by a preponderance of the evidence, each of the elements for opposing the dismissal on anti-SLAPP grounds for which he successfully made out his prima facie case” (¶ 18)

“the issues the parties may be allowed to conduct discovery on or litigate are strictly limited to the elements of the plaintiff’s burden in opposing the anti-SLAPP motion” (¶ 19)

“this evidentiary hearing is not, in any way, intended to be a decision on the merits of those causes of action” (¶ 21)

FACTUAL BACKGROUND

Gaudette and Davis formerly worked for the Biddeford Police Department. After allegations of sexual abuse resurfaced, Davis made statements to a reporter and in a written letter concerning Gaudette's alleged involvement and an alleged cover-up by an Assistant Attorney General. Gaudette asserted defamation, intentional and negligent infliction of emotional distress, violations of Maine information-record statutes, and punitive damages, alleging that Davis's statements caused financial, physical, and mental injuries.

PROCEDURAL HISTORY

Gaudette filed suit alleging defamation and related tort and statutory claims based on Davis's statements concerning an earlier sexual-abuse investigation and its handling. Davis answered and filed a special motion to dismiss supported by affidavits and exhibits. After a nontestimonial hearing, the Superior Court denied the motion. The Supreme Judicial Court vacated the judgment and remanded for reconsideration under a newly clarified anti-SLAPP procedure.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The Superior Court must reconsider Gaudette's opposition under the clarified procedure and standards, including allowing Gaudette to submit any additional materials necessary. If the prima facie burden is met, the court must apply the limited-discovery and evidentiary-hearing procedure described in the opinion.

CASES CITED

- Morse Bros., Inc. v. Webster, 2001 ME 70, 772 A.2d 842
- Maietta Constr., Inc. v. Wainwright, 2004 ME 53, 847 A.2d 1169
- Schelling v. Lindell, 2008 ME 59, 942 A.2d 1226
- Nader v. Me. Democratic Party, 2012 ME 57, 41 A.3d 551
- Nader v. Maine Democratic Party, 2013 ME 51, 66 A.3d 571
- Bradbury v. City of Eastport, 2013 ME 72, 72 A.3d 512
- Town of Madawaska v. Cayer, 2014 ME 121, 103 A.3d 547
- Camden National Bank v. Weintraub, 2016 ME 101, 143 A.3d 788
- Central Me. Power Co. v. Pub. Utils. Comm'n, 1999 ME 119, 734 A.2d 1120
- McDonald v. Smith, 472 U.S. 479 (1985)
- St. Louis v. Wilkinson Law Offices, P.C., 2012 ME 116, 55 A.3d 443
- Hudson v. Guy Gannett Broad. Co., 521 A.2d 714 (Me. 1987)
- Robinson v. Guy Gannett Publ'g Co., 297 F. Supp. 722 (D. Me. 1969)