

AUDRA JACOBS

v.

KATAHDIN NURSING HOME

Submitted on Briefs July 19, 2012
Decided August 2, 2012

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, SILVER, GORMAN, and
JABAR, JJ.

MEMORANDUM OF DECISION

Audra Jacobs appeals from the judgment of the Superior Court (Penobscot County, *Cuddy, J.*) finding that she had failed to prove her claims of violation of the Maine Whistleblowers' Protection Act, 26 M.R.S. § 833(1)(A), (E) (2011), and defamation, following a nonjury trial. As the party with the ultimate burden of proof on both the Whistleblowers' Protection Act (W.P.A.) claim and the defamation claim, Jacobs can prevail on what is essentially a sufficiency of the evidence challenge on appeal only if she can demonstrate that the evidence in the record compelled a finding in her favor on either claim. *See Handrahan v. Malenko*, 2011 ME 15, ¶¶ 13-14, 12 A.3d 79; *Westleigh v. Conger*, 2000 ME 134, ¶ 12, 755 A.2d 518.

Contrary to Jacobs's argument on appeal, the record regarding the W.P.A. claim, viewed in its entirety, does not compel a finding that a causal link existed between any of Jacobs's complaints regarding her fellow employees and her termination.¹ *See Walsh v. Town of Millinocket*, 2011 ME 99, ¶ 24, 28 A.3d 610.

¹ Given our holding on the element of causation, we need not address Jacobs's contention that the court erred in determining that she failed to prove that she engaged in a protected activity. *See Walsh v. Town of Millinocket*, 2011 ME 99, ¶ 24, 28 A.3d 610.

Additionally, the court did not err in placing the burden on Jacobs to prove in her defamation claim that the statements at issue were defamatory and false, and the evidence did not compel a finding that the nursing home or its employees made false statements harmful to Jacobs's reputation. *See Cookson v. Brewer Sch. Dep't*, 2009 ME 57, ¶ 27, 974 A.2d 276; *Ballard v. Wagner*, 2005 ME 86, ¶ 10, 877 A.2d 1083.

The entry is:

Judgment affirmed.

On the briefs:

Guy D. Loranger, Esq., Nichols, Webb & Loranger, P.A., Saco, for appellant
Audra Jacobs

Norman G. Trask, Esq., Currier & Trask, P.A., Presque Isle, for appellee
Katahdin Nursing Home