

JEFFREY NORTON

v.

SAMANTHA NORTON

Submitted on Briefs October 20, 2021
Decided November 4, 2021

Panel: STANFILL, C.J., and MEAD, GORMAN, HUMPHREY, HORTON, and
CONNORS, JJ.

MEMORANDUM OF DECISION

Samantha Norton appeals from a judgment of the Superior Court (Lincoln County, *Billings, J.*) finding that she defamed Jeffrey Norton.¹ Contrary to Samantha's arguments, the court did not clearly err in determining that she negligently made an unprivileged publication to Dustin Delano. *See Courtney v. Bassano*, 1999 ME 101, ¶¶ 15-16, 733 A.2d 973; *Haworth v. Feigon*, 623 A.2d 150, 158 & n.7 (Me. 1993).

The entry is:

Judgment affirmed.

¹ We do not consider Samantha's limited purpose public figure argument because she raised it for the first time in her second motion for findings of fact and conclusions of law and a new trial. *See Warren Constr. Grp., LLC v. Reis*, 2016 ME 11, ¶ 9, 130 A.3d 969 (citing *Dillon v. Select Portfolio Servicing*, 630 F.3d 75, 80 (1st Cir. 2011)); Alexander, *Maine Appellate Practice* § 402(a) at 311 (5th ed. 2018). The court therefore did not abuse its discretion when it determined that Samantha's limited purpose public figure argument was not preserved. *See Wells Fargo Bank, N.A. v. Burek*, 2013 ME 87, ¶¶ 14-16, 81 A.3d 330.

Judy Potter, Esq., Cape Elizabeth, for appellant Samantha Norton

Walter F. McKee, Esq., and Kurt C. Peterson, Esq., McKee Law, LLC, P.A., Augusta,
for appellee Jeffrey Norton

Lincoln County Superior Court docket number CV-2018-27
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