

CARL HUTCHINSON et al.

v.

SHANE LIBBY

Submitted on Briefs May 25, 2000  
Decided June 21, 2000

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY,  
ALEXANDER, and CALKINS, JJ.

#### MEMORANDUM OF DECISION

Shane Libby appeals from a judgment after a nonjury trial by the Superior Court (Franklin County, *Marden, J.*) awarding Carl Hutchinson and Hutchinson's son a total of \$7,500 in damages. On appeal, Libby asserts that there is insufficient evidence to support the verdict and that he breached no duty of care owed to Hutchinson.

The record contains sufficient evidence to support the trial court's findings that: (1) Libby was aware of a history of bad feelings between Hutchinson and Tony Tibbetts; (2) after Hutchinson and Tibbetts had exchanged gestures as Hutchinson was driving by, Libby should have anticipated an assaultive incident between Tibbetts and Hutchinson when Tibbetts asked Libby to drive him to confront Hutchinson to "straighten this out between him and me"; (3) Libby had a duty to Hutchinson not to bring someone to him who might assault him; (4) Libby breached that duty and was negligent by bringing the assailant to the place where he knew

Hutchinson would be; (5) but for Libby's involvement the assault would not have occurred; (6) accordingly, Libby's comparative fault was greater than Hutchinsons; and (7) Libby's intended participation and negligence was confirmed by his rapidly driving the assailant away after the assault. Recognizing the trial court's capacity to assess the credibility of witnesses and the significance of evidence, there is sufficient evidence to support the judgment and the findings of negligence and causation. *See Walter v. Wal-Mart Stores, Inc.*, 2000 ME 63, ¶ 17, 748 A.2d 961, 968; *Searles v. Trustees of St. Joseph's College*, 1997 ME 128, ¶ 6, 695 A.2d 1206, 1209.

The entry is:

Judgment affirmed.

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