

RICKEY HEDGEMAN

v.

SAMUEL S. SCOTT

Submitted on Briefs January 23, 2003
Decided February 7, 2003

Panel: CLIFFORD, RUDMAN, DANA, ALEXANDER, CALKINS, and LEVY,
JJ.

MEMORANDUM OF DECISION

Rickey Hedgeman appeals from an entry of summary judgment by the Superior Court (Cumberland County, *Cole, J.*) in favor of Dr. Samuel S. Scott. Hedgeman asserts that the Superior Court erred in entering summary judgment because (1) Hedgeman's claims of medical malpractice are not barred by the statute of limitations pursuant to 24 M.R.S.A. § 2902 (2000), and (2) the Superior Court improperly held that statements made by Scott forming the basis of the negligence action are privileged under the doctrine of witness immunity. Hedgeman does not assert negligence in medical diagnosis, care or treatment. Instead, Hedgeman asserts that Dr. Scott erred in statements about the cause of his

condition, resulting in initial denial of coverage by his employer's workers' compensation carrier.

Assuming, without deciding, that 24 M.R.S.A. § 2902 does not bar Hedgeman's claims regarding Scott's statements, Scott's testimony at his deposition is privileged under the doctrine of witness immunity, *see Dunbar v. Greenlaw*, 128 A.2d 218, 222-23 (Me. 1956). Furthermore, Hedgeman failed to raise a genuine dispute of material fact regarding statements Scott made in his June 23, 1998, letter to Liberty Mutual, *see Rogers v. Jackson*, 2002 ME 140, ¶ 5, 804 A.2d 379, 380, and Scott is entitled to prevail as a matter of law, *see Hall v. Acadia Insurance Co.*, 2002 ME 110, ¶ 4, 801 A.2d 993, 994; *Mastriano v. Blyer*, 2001 ME 134, ¶ 11, 779 A.2d 951, 954.

The entry is:

Judgment affirmed.

For plaintiff:

Rickey Hedgeman
16 Mentor Street, Apt. 1
Westbrook, ME 04092

Attorneys for defendant:

Wendell G. Large, Esq.
Anne H. Cressey, Esq.
Richardson, Whitman, Large & Badger, P.C.
P O Box 9545
Portland, ME 04112-9545