

CHRISTOPHER NORRIS

v.

JOSEPH MANNING et al.

Argued January 16, 2008  
Decided February 28, 2008

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

MEMORANDUM OF DECISION

Joseph Manning and Brunswick Coastal Ford (Manning) appeal from a judgment of the Superior Court (Cumberland County, *Cole, J.*) finding in favor of Christopher Norris on Norris's claim of slander per se and awarding him \$20,000.

Contrary to Manning's contentions, the court did not err, as a matter of law or fact, in finding Manning made a defamatory statement. *See Jacobs v. Jacobs*, 2007 ME 14, ¶ 5, 915 A.2d 409, 410 ("We review a trial court's findings of fact for clear error . . . ."); *Schoff v. York County*, 2000 ME 205, ¶ 8 n.2, 761 A.2d 869, 871 ("Whether a statement is capable of bearing a defamatory meaning is a question of law," but whether the recipient understood a defamatory meaning is a question of

fact.); *Peterson v. State Tax Assessor*, 1999 ME 23, ¶ 6, 724 A.2d 610, 612 (stating that we review issues of law de novo); *Marston v. Newavom*, 629 A.2d 587, 593 (Me. 1993) (stating that false words that directly tend to prejudice or injure one in his or her profession, trade or business are actionable as slander per se).

Additionally, the court could have found, based on evidence in the record, that Norris suffered damages as a result of Manning's statements. *See Jacobs*, 2007 ME 14, ¶ 5, 915 A.2d at 410; *Marston*, 629 A.2d at 593 (stating that, when slander per se is established, proof of special damages is not required, and compensatory damages are permissible if proved or reasonably presumed). The court also could have reasonably been persuaded that it was highly probable that Manning abused the employer reference privilege. *See In re Charles G.*, 2001 ME 3, ¶ 5, 763 A.2d 1163, 1165-66; 26 M.R.S. § 598 (2007). Finally, the Superior Court's finding that Manning did not sustain his burden on his counterclaim of conversion is supported by sufficient evidence. *See Rand v. Bath Iron Works Corp.*, 2003 ME 122, ¶ 10, 832 A.2d 771, 773 ("A party bearing the burden of proof at trial can prevail on a sufficiency of the evidence challenge to a finding that [his] burden has not been met only if [he] demonstrates that a contrary finding is compelled by the evidence." (quotation marks omitted)).

The entry is:

Judgment affirmed.

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