

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 17-3073

David Librace

Appellant

v.

Deborah Helton Wright, also known as Deborah Faye Willette, also known as Debbie Willette,
also known as Deborah Helton Wright Willette, et al.

Appellees

Appeal from U.S. District Court for the Eastern District of Arkansas - Helena
(2:16-cv-00074-JM)

ORDER

The petition for rehearing by the panel is denied.

June 13, 2018

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 17-3073

David Librace

Plaintiff - Appellant

v.

Deborah Helton Wright, also known as Deborah Faye Willette, also known as Debbie Willette,
also known as Deborah Helton Wright Willette; Terry Willette, Sr.; ACES Investigation

Defendants - Appellees

Appeal from U.S. District Court for the Eastern District of Arkansas - Helena
(2:16-cv-00074-JM)

JUDGMENT

Before WOLLMAN, LOKEN and KELLY, Circuit Judges.

This appeal from the United States District Court was submitted on the record of the
district court and briefs of the parties.

After consideration, it is hereby ordered and adjudged that the judgment of the district
court in this cause is affirmed in accordance with the opinion entered on April 27, 2018 of this
Court.

May 03, 2018

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

United States Court of Appeals
For the Eighth Circuit

No. 17-3073

David Librace

Plaintiff - Appellant

v.

Deborah Helton Wright, also known as Deborah Faye Willette, also known as Debbie Willette, also known as Deborah Helton Wright Willette; Terry Willette, Sr.; ACES Investigation

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Arkansas - Helena

Submitted: April 24, 2018
Filed: April 27, 2018
[Unpublished]

Before WOLLMAN, LOKEN, and KELLY, Circuit Judges.

PER CURIAM.

In this diversity action, Arkansas resident David Librace appeals the district court's¹ denial of a motion to compel discovery, and its adverse grant of summary judgment on his claims against Florida residents, Deborah Helton Wright, Terry Willette, Sr., and ACES Investigation, for libel, slander, and intentional infliction of emotional distress. We find no gross abuse of discretion in the trial court's denial of Librace's discovery motion. See Chavis Van & Storage of Myrtle Beach, Inc. v. United Van Lines, LLC, 784 F.3d 1183, 1198 (8th Cir. 2015) (standard of review for denial of discovery motions). Upon careful de novo review, we also conclude that summary judgment was proper for the reasons explained by the district court. See W. Heritage Ins. Co. v. Asphalt Wizards, 795 F.3d 832, 836-37 (8th Cir. 2015) (standard of review for summary judgment); Little Rock Newspapers, Inc. v. Fitzhugh, 954 S.W.2d 914, 921-22 (Ark. 1997) (plaintiff must prove reputational injury in order to recover damages in defamation cases); Brown v. Tucker, 954 S.W.2d 262, 265 (Ark. 1997) (whether claim of defamation be by spoken word (slander) or written word (libel) plaintiff must prove, among other things, defamatory nature of statement of fact, and publication of statement by defendant).

Accordingly, we affirm the judgment. See 8th Cir. R. 47B.

¹The Honorable James M. Moody, Jr., United States District Judge for the Eastern District of Arkansas.

United States Court of Appeals
For The Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
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St. Louis, Missouri 63102

Michael E. Gans
Clerk of Court

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May 03, 2018

Mr. David Librace
203 S. Seventh Street
West Helena, AR 72390-3019

RE: 17-3073 David Librace v. Deborah Wright, et al

Dear Sir:

The court has issued an opinion in this case. Judgment has been entered in accordance with the opinion..

Please review Federal Rules of Appellate Procedure and the Eighth Circuit Rules on post-submission procedure to ensure that any contemplated filing is timely and in compliance with the rules. Note particularly that petitions for rehearing and petitions for rehearing en banc must be received in the clerk's office within 14 days of the date of the entry of judgment. Counsel-filed petitions must be filed electronically in CM/ECF. Paper copies are not required. No grace period for mailing is allowed, and the date of the postmark is irrelevant for pro-se-filed petitions. Any petition for rehearing or petition for rehearing en banc which is not received within the 14 day period for filing permitted by FRAP 40 may be denied as untimely.

Michael E. Gans
Clerk of Court

JMM

Enclosure(s)

cc: Mr. Jim McCormack
Mr. William Kyle Stoner

District Court/Agency Case Number(s): 2:16-cv-00074-JM

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION

DAVID LIBRACE

PLAINTIFF

v.

2:16CV00074 JM

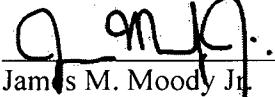
DEBORAH HELTON WRIGHT, et al,

DEFENDANTS

JUDGMENT

Pursuant to the Order entered on this day, Judgment is hereby entered in favor of the Defendants and against the Plaintiff.

IT IS SO ORDERED this 14th day of August, 2017.



James M. Moody Jr.
United States District

**Additional material
from this filing is
available in the
Clerk's Office.**