

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[Unpublished]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.