UNITED STATES DISTRICT COURT	
FOR THE	3
DISTRICT OF VERMONT	
John D. Haywood)
Plaintiff,)
v. St. Michael's College, Logan R. Spillane, and Christopher Hardy,)) CIVIL ACTION NO. 2:12-CV-164)
Defendants.	ý))

DEFENDANTS' RENEWED MOTION TO DISMISS

NOW COMES Defendant, Saint Michael's College, by and through its attorneys, the law firm of Dinse, Knapp & McAndrew, P.C., and hereby files this Renewed Motion to Dismiss in response to Plaintiff's Amended Complaint pursuant to F.R.C.P. 15(a)(3). Defendant incorporates by reference its Motion to Dismiss filed September 26, 2012. While Plaintiff is entitled to amend his Complaint as a matter of right, the proposed amendments fail to cure the defects in the Complaint raised in Defendant's Motion to Dismiss. Defendant submits the following memorandum of law in support of its Renewed Motion to Dismiss.

MEMORANDUM OF LAW

Plaintiff's Amended Complaint adds further explanation regarding the embarrassment caused by the alleged defamatory statements, and eliminates what was formerly the Eighth Count. However, none of the changes cure the legal insufficiency of Plaintiff's Complaint.

As set forth in Defendant's Motion to Dismiss, under no relevant definition of libel could the disputed statements, as quoted by Mr. Haywood, be considered defamatory. Even if Mr. Haywood was correct that his positions were misstated (which Defendant does not concede), a

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¹ Plaintiff has failed to provide a redlined version of the proposed amendments in violation of Local Rule 15(a)(1).

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misstatement does not create a libel. The content of the statements are simple, standard political

positions to which reputable people publicly subscribe and that are within the mainstream of

American politics.

If Plaintiff had wanted to keep his political views from his acquaintances, that goal was

not effectively served by choosing to run for President of the United States. Further, seeking the

presidency made Mr. Haywood a public figure in the eyes of the law, and as a public figure he

faces a severely heightened legal standard to prevail on his defamation claim. As explained in

Defendant's Motion to Dismiss, he cannot meet this standard.

CONCLUSION

Plaintiff has filed a suit whose claims cannot be supported by law. The initial Complaint

failed as a matter of law to allege defamation, and the Amended Complaint fairs no better. On

the facts stated in his Amended Complaint, Mr. Hayward simply cannot overcome the

heightened standard required of public officials who seek to bring a defamation claim. Plaintiff

renews its Motion to Dismiss with respect to the Amended Complaint, and respectfully asks this

Court to grant its Motion to Dismiss.

Dated at Burlington, Vermont this 16th day of October, 2012.

DINSE, KNAPP & MCANDREW, P. C.

By /s/ W. Scott Fewell, Esq.

Jeffrey J. Nolan, Esq.

W. Scott Fewell, Esq.

David A. Scherr, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that on October 16 2012, I electronically filed with the Clerk of Court the following documents using the CM/ECF system: **Defendant's Renewed Motion To Dismiss**. The CM/ECF system will provide service of such filing(s) via Notice of Electronic Filing (NEF) to the following NEF parties:

William B. Towle, Esq.

I hereby further certify that I also made service upon the *pro se* Plaintiff by placing a copy of the Defendant's Renewed Motion To Dismiss in the U.S. Mail, postage prepaid, and mailed to:

John D. Haywood 3116 Cornwall Road Durham, NC 27707-5102.

Dated at Burlington, Vermont this 16th day of October, 2012.

DINSE, KNAPP & MCANDREW, P. C.

By /s/ W. Scott Fewell, Esq.

Jeffrey J. Nolan, Esq. W. Scott Fewell, Esq. David A. Scherr, Esq.

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