



IN THE CIRCUIT COURT OF ETOWAH COUNTY, ALABAMA

MOORE ROY,	)	
MOORE KAYLA,	)	
Plaintiffs,	)	
	)	
V.	)	Case No.: CV-2018-900346.00
	)	
CORFMAN LEIGH,	)	
NELSON BEVERLY,	)	
HAGEDORN RICHARD,	)	
JOHNSON TINA ET AL,	)	
Defendants.	)	

ORDER

On October 28, 2025, this case came before the Court on Beverly Nelson's "Motion for Summary Judgment" on the claim of defamation brought against her by Roy S. Moore. Nelson appeared virtually with her attorney, Wendy Crew. Moore was virtually present with his attorney, Patricia Granger. Upon review of the motion and response and counsels' arguments, the Court finds the following:

In 2017, Moore was running for the Alabama U.S. Senate seat vacated by the prior senator. The special election was to take place December 12, 2017. Approximately a month before the election, Nelson accused Moore of a sexual transgression through a written statement that was picked up by the New York Times. The alleged behavior took place thirty (30) plus years before the release of the statement. Moore eventually lost the election and sued Nelson. He claimed that Nelson defamed him, and her defamation contributed to his loss and other damages.

Nelson, through her motion for summary judgment with an attached affidavit, claimed that Moore made an improper sexual transgression against her in 1977. This was her prima facia showing of the facts. The burden of contradicting Nelson is on Moore who is to provide the Court substantial evidence as to the existence of genuine issue of material fact. To defeat a properly supported motion for summary judgment, the plaintiff must present "substantial evidence," i.e., evidence of such weight and quality

that fair-minded persons in the exercise of impartial judgment can reasonably infer the existence of the fact sought to be proved. Williams v. Ditto, 601 So.2d 482 (Ala.1992); Enterprise Management, Inc. v. Huntsville-Madison County Airport Authority, 601 So.2d 897 (Ala.1992), reh'g denied, without op. (Ala. July 10, 1992).

Furthermore, since Moore was a public figure at the time that the statements were made, he must prove by clear and convincing evidence that [Nelson] published the defamatory statement with "actual malice." Actual malice means the statement was made with knowledge of its falsity or with reckless disregard for whether it was false. Cottrell v. National Collegiate Athletic Ass'n, 975 So.2d 306 (2007).

Moore's responsive pleading is troublesome. It does not contain one single statement of fact that Moore did not commit a sexual transgression against Nelson. The Court is flummoxed as to why if Moore wanted to contradict Nelson did he not execute an affidavit denying her statement as to the events in 1977. The argument may be that since he filed a defamation claim against Nelson then Moore is denying the truth of her statement. The problem is that relying only on the complaint is improper. A party may not rely on the allegations of his pleadings alone to support or oppose the motion for summary judgment but must instead provide the Court with at least one of the kinds of evidence called for by this rule, and that evidence must set out sufficient facts to indicate a genuine issue for trial. Crowder v. Correctional Medical Systems, 497 So.2d 486 (Ala.1986); Johnson v. Cramer, 598 So.2d 980 (Ala.Civ.App.1992).

Moore's "facts" are an argument of facts from Nelson's deposition. He asks the Court to speculate as to why Nelson waited several decades to report the incident. Next, Moore requests the Court to form a guess as to why a young girl would be the only person opening and closing a restaurant. Speculation and conjecture are not the basis for opposing a motion for summary judgment.

Moore attempts to provide a fact concerning Nelson's propensity for telling the truth. He cites Nelson's stepson giving an interview to a news agency. In the interview, the stepson doubts Nelson's truthfulness. The problem is that this "fact" is abject hearsay, meaning the statement of a third party offered for the truth of the matter asserted. Hearsay cannot be relied on to defeat a properly supported motion for a summary judgment. Panayiotou v. Johnson, 995 So.2d 871 (Ala.2008). It is incumbent

upon [Moore] to support such assertions with admissible evidence, such as actual documents or affidavits of witnesses. Hearsay cannot create an issue of fact. Black v. Reynolds, 528 So.2d 848 (Ala.1988). For this fact to be admissible for at least his opposition to Nelson's motion, Moore would have needed to provide the Court an affidavit, a sworn statement, from the stepson of his knowledge of Nelson's propensity for the truth.

Upon review of the motion and response and counsels' arguments, the Court finds that Moore failed to provide the Court facts controverting Nelson's motion. Failure to controvert the evidence presented by the moving party leaves the trial court with no alternative but to consider the evidence uncontroverted and grant the summary judgment. Melton v. Perry County Bd of Education, 562 So.2d 1341 (Ala.Civ.App. 1990).

Therefore, the Court GRANTS Beverly Nelson's "Motion for Summary Judgment" and DISMISSES Roy S. Moore's defamation claim against her.

DONE this 29th day of October, 2025.

/s/ GREGORY M. WILLIAMS
CIRCUIT JUDGE
