

§870. Judgment by perjury; action on case

1. Action; within 3 years. When a judgment has been obtained against a party by the perjury of a witness introduced at the trial by the adverse party, the injured party may, within 3 years after that judgment or after final disposition of any motion for relief from the judgment, bring an action against such adverse party, or any perjured witness or confederate in the perjury, to recover the damages sustained by the injured party by reason of such perjury. The judgment in the former action does not bar an action under this section.

[PL 2009, c. 187, §1 (NEW).]

2. Specificity of claim. A claim under this section must identify the specific testimony alleged to be false at the initial filing of the claim.

[PL 2009, c. 187, §1 (NEW).]

3. Record; evidence. A claim may not be submitted under this section solely on the same record as in the former trial. Evidence discoverable by due diligence before the trial cannot be introduced as new evidence to establish perjury.

[PL 2009, c. 187, §1 (NEW).]

4. Standard of proof. The plaintiff in an action under this section must prove the alleged perjury by clear and convincing evidence.

[PL 2009, c. 187, §1 (NEW).]

5. Affirmative defense. It is an affirmative defense to an action under this section that the plaintiff has no new evidence to present concerning the alleged perjury.

[PL 2009, c. 187, §1 (NEW).]

6. Strictly construed. The pleading and proof requirements of this section must be strictly construed.

[PL 2009, c. 187, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 187, §1 (RPR).

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