

MAINE CRIME

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Mother of Ayla Reynolds to file wrongful death lawsuit 7 years after child's disappearance

Seven years after the toddler was reported missing from a Waterville home, Trista Reynolds plans to file a civil suit against Ayla's father, Justin DiPietro, alleging he caused the child's death.

BY [AMY CALDER](#) STAFF WRITER



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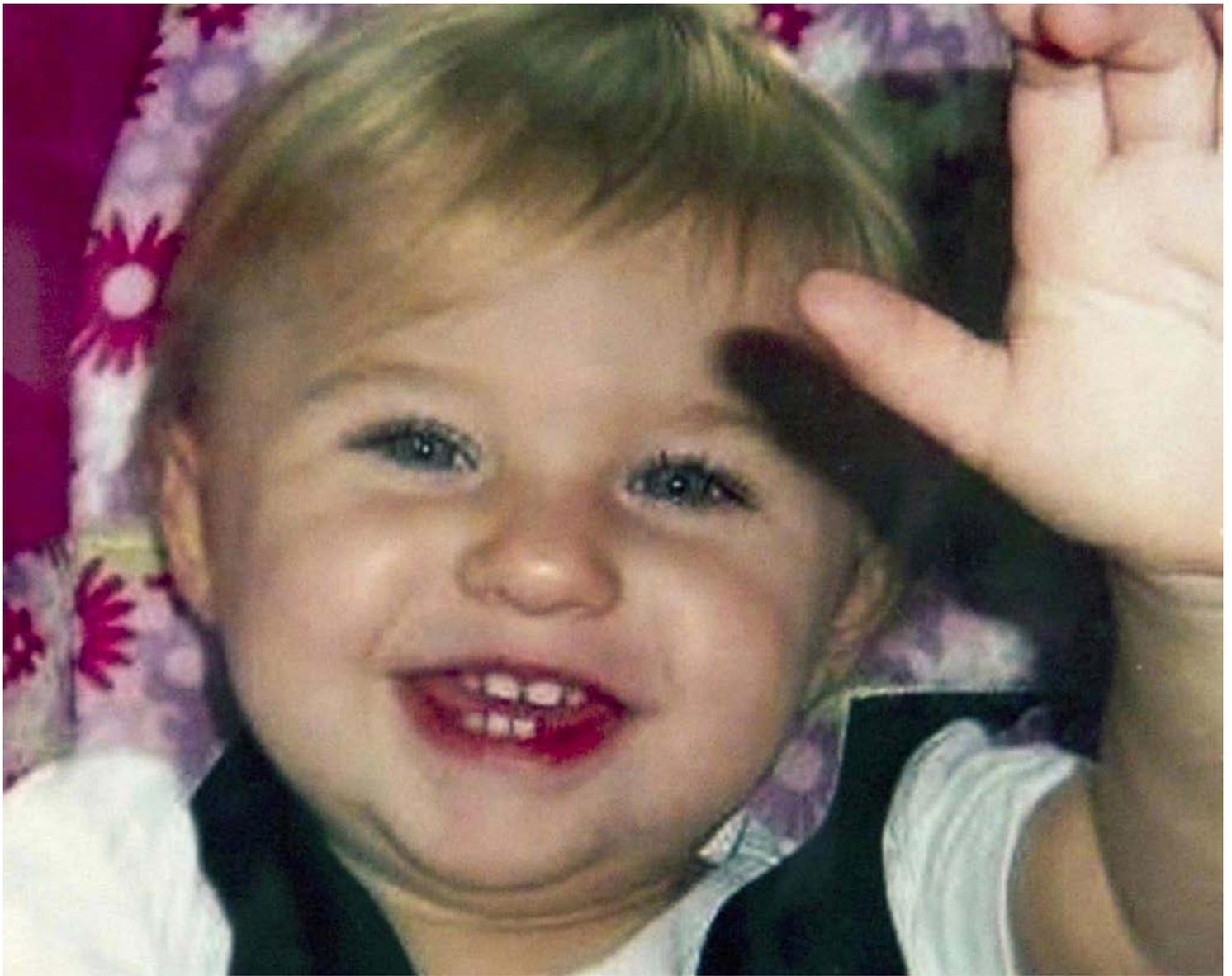




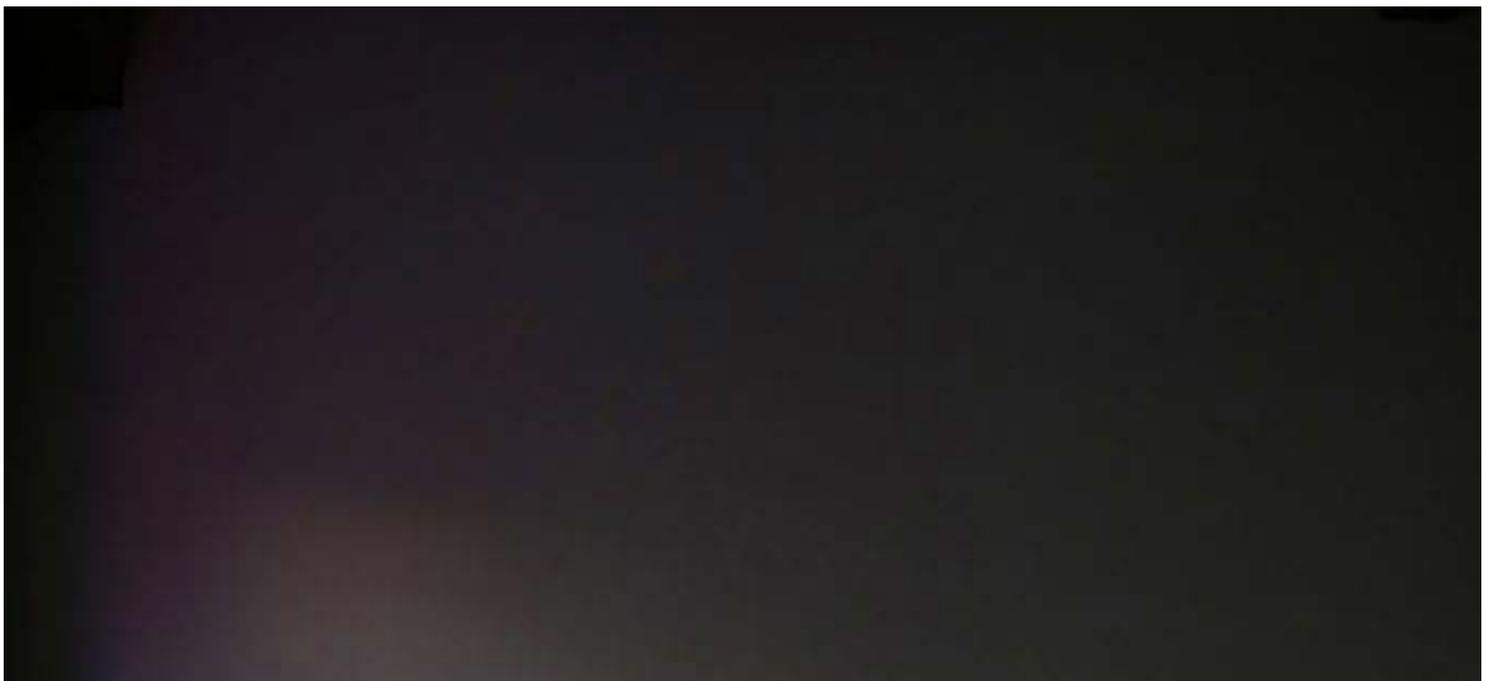
Morning Sentinel file photo by Michael G. Seamans Maine State Police taped off the residence where 20-month-old Ayla Reynolds was last seen on Friday night as investigators and searchers continued to look for the missing toddler on the following Thursday in December 2011.

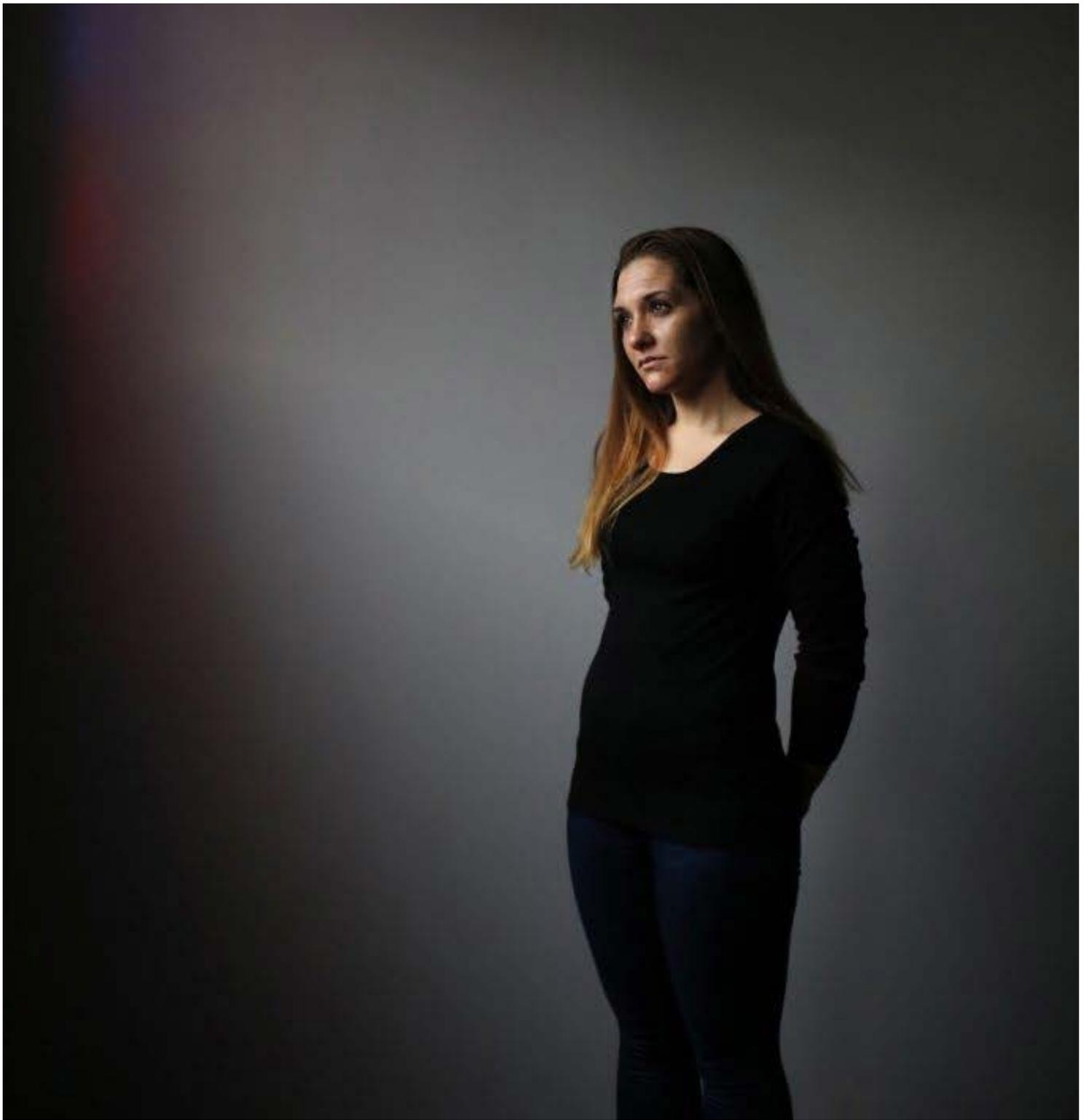
WATERVILLE — The mother of missing toddler Ayla Reynolds is expected to file a civil lawsuit Monday, alleging the father caused the child's death seven years ago.

The wrongful death suit will be filed in Cumberland County Superior Court in Portland against Justin DiPietro, according to William Childs, the attorney for Ayla's mother, Trista Reynolds.



Contributed photo of Ayla Reynolds





Trista Reynolds poses for a portrait at The Porthole, where she works, on Thursday. It's been seven years since her daughter Ayla Reynolds, a toddler at the time, disappeared while staying at her father's home in Waterville. *Portland Press Herald* photo by Ben McCanna

Childs said he plans to announce the filing of the lawsuit at a press conference Monday morning outside the courthouse. The announcement of the filing comes on the seven-year anniversary of the child's reported disappearance, in a case that drew national attention and sparked the largest and most costly police investigation in state history.

Childs said he and Trista Reynolds will speak at the conference and take questions.

“Through discovery, we intend on establishing how Ayla was killed, where she was killed and why she was killed,” Childs said in a phone interview.

Ayla disappeared seven years ago from her paternal grandmother’s house at 29 Violette Ave. in Waterville and has never been found, despite the huge police investigation. No charges have ever been filed in the disappearance, although authorities have said DiPietro hasn’t told them all that he knows. DiPietro has maintained that someone must have abducted Ayla during the night, but police say there’s no evidence to support that claim.

The blond-haired, blue-eyed Ayla was in the care of DiPietro, who was staying with his mother, Phoebe DiPietro, at her house at the time. He reported the child missing on the morning of Dec. 17, 2011, exactly seven years ago Monday. Although Phoebe DiPietro was not in the house the night before Ayla was reported missing, her daughter, Elisha DiPietro, and Justin DiPietro’s then-girlfriend Courtney Roberts, were there.

Police say they believe Ayla, who was 20 months old when she disappeared and who now would be 8 years old, met with foul play the third week of December that year.

A judge last year officially declared Ayla to be dead, paving the way for a wrongful death suit to be filed against those believed to be responsible. The time for filing that suit, however, had not yet been discussed — until now.

In the years since Ayla’s disappearance, Justin DiPietro moved away from Maine and stopped talking to the Morning Sentinel about the case.

A letter a Sentinel reporter sent to Justin DiPietro’s home through the U.S. Postal Service last year in Winnetka, California, seeking comment did not draw a response. Facebook messages sent Thursday to Roberts and Elisha DiPietro were not returned. Phoebe DiPietro has no telephone number listed in the Waterville area.

PURSUING JUSTICE

Childs, of the Portland law firm Childs, Rundlett, Fifield & Altshuler LLC, of Portland, said an official tried recently to serve Justin DiPietro, now 31, with a summons on the complaint for wrongful death at his last known address in Winnetka, California. But that official was told by a

tenant that DiPietro no longer lived there and that he moved in July 2018.

The process server official, Nelson Tucker, conducted an extensive search to locate his whereabouts in Los Angeles County, including in Compton, California, and elsewhere, but was unsuccessful, according to Nelson's sworn statement, dated Dec. 5.

Childs said he also sent the complaint and summons to the Kennebec County Sheriff's Office to try to serve DiPietro at his mother's house on Violette Avenue in Waterville.

Lt. Jeffrey Love, who is in charge of the Maine State Police Unsolved Homicide Unit and oversees the Ayla investigation, said police remain dedicated to solving the case.

"We received 18 leads in 2018 for a total of 1,593 leads to date," Love said in an email this past week. "Two of the leads this year led State Police detectives to search an area in Belgrade and Sidney. A search was also conducted in Winslow, which was initiated by State Police detectives. Though nothing of evidentiary value was located, detectives were able to eliminate three more areas. All three searches utilized State Police cadaver dogs."

He said the case remains "open and active."

"The two detectives assigned to the case continue to review the new leads and compare them to the case file," Love said. "Detectives maintain contact with Trista and update her as needed."

Trista Reynolds says she stays in touch with police in the case.

"If they want to let me know something or if I just want to know what's going on, I give a call," she said Tuesday. "I saw them last week just to sit down and go over the last year and where we stand. We talked about her being legally declared deceased last year."

She said she prays the case will be resolved.

"I do, definitely, hold a lot of hope that I will get justice for Ayla," she said.

While Reynolds said she could not reveal details about what Childs plans for the lawsuit, she said they will proceed carefully.

"We have to make sure all of our ducks are lined up the right way because we only have one shot at this," she said.

LIFE WITHOUT AYLA

Trista Reynolds, now 30, hopes people remember Ayla at Christmas.

While she will not be with her mother and brothers, Raymond, now 7, and Anthony, 5, they hold Ayla in their hearts.

“They’re getting so big,” Trista Reynolds said of the boys. “We’re in a new place this year. It’s our first Christmas in an actual house.”

She said she is doing OK, though the last few months have been tough as the one-year anniversary of when a judge declared Ayla dead in September 2017 passed, and Halloween and then Thanksgiving.

“I caught myself crying a lot,” she said. “Everyone says it gets easier ... I just feel like every year, it’s a reminder and it gets harder each year.”

With the anniversary of Ayla’s disappearance coming up — and Christmas — Trista’s heart feels heavy, she said. And Valentine’s Day will come in February and then Ayla’s April 4 birthday, and then Easter.

“It just seems like it never stops — it never ends.”

Memories of her daughter and the feeling of loss are poignant for Trista Reynolds this month. She has lit up her South Portland porch with pink lights to honor Ayla, who loved the color pink.

Asked if there’s anything she wants to say as Dec. 17 nears, Trista Reynolds said she hopes people will shine a pink light somewhere, anywhere.

“It’s the seventh anniversary and we’re still in the same place we were seven years ago,” she said Tuesday. “I guess I’d like to see everyone light a pink light for Ayla and wish her a merry Christmas. I’m wishing her a merry Christmas and I love her — I love her dearly. I kind of just want to light the world up pink.”

INTO THIN AIR

In 2011, Ayla disappeared the week before Christmas from her grandmother’s house on Violette Avenue, a residential street connecting Cool Street to Eustis Parkway. Justin DiPietro called

police Dec. 17, a Saturday, to report he got up in the morning and Ayla was nowhere to be found. He has said he put her to bed around 8 p.m. the night before.

Police say they don't believe him. They believe DiPietro, his sister, Elisha DiPietro, and his then-girlfriend, Courtney Roberts, who also were in the home the night of Dec. 16, know more about Ayla's disappearance than they say. Police say Ayla was not abducted from the home and they believe she is dead.

A Cumberland County probate judge declared Ayla legally dead Sept. 27, 2017, paving the way for Trista Reynolds to file a wrongful death suit — a civil suit — against Justin DiPietro and possibly others.

Childs, of Portland, took the case pro bono and presented it to the probate court.

Love, who is overseeing the investigation, testified in that probate court proceeding.

The probate court on May 17, 2017, named Trista Reynolds personal representative of Ayla's estate. Reynolds passed a polygraph test long ago in which she told police the last time she saw Ayla was in November 2011.

Justin DiPietro was watching Ayla the week she disappeared because Trista Reynolds was in rehabilitation and her sister was caring for Ayla. The DiPietros enlisted the state Department of Health and Human Services to help take Ayla and she ultimately was handed to Justin DiPietro.

Reynolds testified in probate court prior to the judge's declaring Ayla dead last year, but Justin DiPietro, who was working as a cook and living in Winnetka, California, did not. Elisha DiPietro, his half sister, and Roberts, had been deposed earlier by Childs.

Documents from Cumberland County Probate Court say an official in June 2017 served a notice of the September probate hearing to Justin DiPietro at his California home, but he lied about who he was when the officer, Tucker, showed up on his doorstep.

Tucker, who recently tried to serve him a complaint and summons of wrongful death, served the probate hearing notice last year in Winnetka. At the time, Tucker had with him a photograph of DiPietro that was given to him by Childs. Tucker wrote in court documents that at 8:51 a.m. June 12, 2017, he went to DiPietro's home on Lull Street in Winnetka to serve the papers.

"He denied his identity, but he matched the photo provided by attorney for petitioner," Tucker

wrote in the documents.

REMEMBERING AYLA

In a civil case such as a wrongful death suit, the penalty is monetary. In such a case, the attorney would have to meet a lower burden of proof than in a criminal case, in which the standard is to prove beyond a reasonable doubt. In civil cases, proof is by a preponderance of the evidence.

Jeff Hanson, Trista Reynolds' stepfather, has been updating the public on the case since Ayla disappeared and writes posts on the website aylareynolds.com, a site dedicated to the case. Last week, Hanson emailed a statement from Ayla's family on the seventh anniversary of her reported disappearance. It was the same message he issued last year at this time, except for the timetable:

“The maternal side of Ayla Reynolds family would like to convey their best wishes to all those that continue to seek justice for Ayla. It is our hope that the tragedy that befell our family seven years ago never touches yours. Be at peace and hold your family close to your heart, be they near or far away this holiday season.”

On Tuesday afternoon, the gray DiPietro house on Violette Avenue sat silent, snow blanketing part of the front lawn by a large tree that seven years ago was flanked with stuffed animals people had left as a shrine to Ayla. An evergreen wreath with a red ribbon hung Tuesday from the door facing the driveway near a grill cloaked in black.

The quiet, residential street lined with modest homes looked much the same Tuesday as it had in 2011.

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