

Defamation

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Boyle | Shaughnessy Law attorneys Kevin Kratzer and Timothy Scannell recently obtained judgment as a matter of law in favor of their client, a defendant in a defamation action filed in the Milford Superior Court in Connecticut. The lawsuit arose as a result of several letters authored by the defendant, a local deputy fire marshal, regarding the plaintiff's actions as a local fire marshal. The letters were published to the Mayor and several other officials within the municipality, and led to local and state investigation into the plaintiff's capacity to serve. Both investigations resulted in findings favorable to the plaintiff.

Thereafter, the plaintiff alleged that the defendant defamed him by making statements about the plaintiff which were "false, outrageous, and disparaging" with respect to his competence to perform his official duties as the Fire Marshal. The plaintiff also brought claims for tortiously interference with his business relations and intentional infliction of emotional distress upon the plaintiff. The plaintiff demanded \$300,000.00 to settle the case.

Boyle | Shaughnessy Law moved for summary judgment as to all claims arguing that the alleged defamatory statements were made in the context of initiating and furthering quasi-judicial proceedings to which the privilege of absolute immunity attaches. The plaintiff argued that the circumstances in which the defendant made his complaint amounted to a vicious personal attack made before any proceedings were initiated. Moreover, the plaintiff argued that publication of the subject letters to additional third parties outside of the mayor's office (including the defendant's wife, who was a local alderman) who had no supervising authority over the plaintiff did not fall under the aegis of absolute immunity.

Ultimately, the Court agreed with our argument that the investigations that occurred as a result of the defendant's statements were quasi judicial proceedings under the law, and that the defendant's statements should be regarded as a complaint that initiated the proceedings, which warranted the same protection as any statements made during the investigations. The Court also agreed with our argument that the statements to parties outside the Mayor's office did not eradicate the application of immunity because all parties who received the letters had reason to have first hand knowledge about the plaintiff and his dealings due to their official position within the town, even if they did not have direct supervisor authority over the plaintiff.