

## **\$1.4M Awarded For Defamation**

### **Counsel: Large Verdict A 'Vindication'**

The plaintiff, an assistant superintendent for the Troy School District, was involved in the termination of the defendant who had been employed by the district as a custodian/janitor for more than 15 years. The defendant's discharge was based on subordination and threatening acts. During the course of the defendant's discharge proceedings and subsequent related lawsuits, he was represented by the Michigan Education Association (MEA) and several attorneys. Despite vigorously contesting his firing, the matter was ultimately resolved against the defendant by a federal appeals court.

Prior to his termination, the defendant had written untruthful letters about the plaintiff and emailed them to hundreds of individuals and entities, including school board members, police departments, mayors, city council members and various news agencies such as the Detroit News and the Detroit Free Press. The defendant also sent letters to the Attorney General for the State of Michigan, the Michigan Education Association (MEA), and local, state and national labor organizations.

In his letters about the plaintiff, the defendant called her a lunatic, mentally ill, vengeance-seeking and a criminal.

The plaintiff requested a retraction from the defendant but he refused, contending he was exercising his First Amendment right to free speech.

Plaintiff's counsel said that, as the defendant continued to issue his statements about the plaintiff, they became so threatening, frightening, and abusive that the plaintiff successfully sought a personal protection order (PPO). The defendant hired new counsel and challenged the PPO in Oakland County Circuit Court and the Court of Appeals. His application for leave to appeal to the Michigan Supreme Court was denied.

Through discovery, it was determined that the defendant's statements about the plaintiff were false. As such, the issue of liability was resolved by way of a summary disposition motion. The only issue left for the jury to decide was damages.

The jury trial resulted in a \$1.2 million verdict. A motion for mediation sanctions was filed and a final judgment of \$1.4 million was entered by the court.

**Verdict amount:** \$1.4 million

**Allocation of fault:** 100 percent (as to defendant)

**Attorney for the plaintiff:** James O. Elliott

**Attorney for the defendant:** Withheld

**Insurance carrier(s):** Allstate Insurance Co. (allowed out on a declaratory action)