

# TROY Eccentric

## School administrator wins record lawsuit against former staffer

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A 32-year Troy Schools administrator has won what may be a state record for a jury award in a civil defamation case involving a former school employee.

Maureen Kelly, an assistant superintendent for human resources, was awarded \$1.2 million March 17 in a case that stretched from court to court over a 2 1/2-year period.

"I was told it was the largest award — in the state," said Kelly's attorney, James O. Elliott of Bloomfield Hills.

With interest, the award could reach nearly \$1.5 million, plus attorney fees and court costs, Elliott said.

"The importance of this unprecedented damage award is that it clearly establishes that public employees do not have to be subjected to completely vicious and malicious untruths in the workplace or by the public," Kelly said in

a statement. "In this case, the defendant published untruths accusing me of criminal activity and other inappropriate acts that attacked the core of my work performance. He used the Internet and e-mail to circulate his vicious and malicious untrue statements to untold numbers of individuals.

"I hope that this award serves to protect public employees from undue and unjust attacks in the future."

The suit was filed against Kenneth Farhat, whose last known address was in Sterling Heights. He was unable to be reached by phone.

After a succession of attorneys backed out of representing Farhat in court, Elliott said, he represented himself.

The civil case began after the 54-year-old former local Michigan Education Association official was terminated for insubordination in September 2002 and

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### LAWSUIT

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began sending messages to a wide range of people that "became more and more threatening," Elliott said.

Farhat, who is Arabic, charged Kelly with being racist and said there was a plot by the Troy Police to kill him, Elliott said.

Kelly obtained a personal protection order against Farhat. He lost a fight to have the order set aside.

Farhat rejected repeated requests for a retraction that extended through the trial, and he refused mediation, according to Elliott. "We filed (the suit) because he refused to retract (his statements)," Elliott said.

The First Amendment right to freedom of speech was a key element of the court process, Elliott said. In approving a PPO, Judge

Elizabeth Pezzetti said, "This goes beyond free speech. ... A reasonable person would certainly feel terrorized, frightened, intimidated, threatened, harassed and molested by this sort of correspondence."

Farhat appealed to the Michigan Supreme Court and to the federal Court of Appeals and was denied.

Kelly, while a public official, is considered a private person because she "doesn't meet the test" for public person status, Elliott said.

Any collection attempt won't begin until after the 21-day period for an appeal ends, Elliott said. The attorney said that Farhat is vested in his retirement pension. But the issue is not about money.

"She really does feel vindicated," Elliott said. "If anyone questions her, she can hold this up and say, 'It was not true.'"

"The board of education knows that our staff operates with a high degree of professionalism," board President Anthony Spagnola said in a statement.

"We will not tolerate harassment of any kind against staff members by individuals who seek to undermine their reputations and commitment to the students of the Troy School District."

Elliott said he has not been paid for any of his services, and he would only describe the cost as "substantial." He said he would be compiling a list of his hours spent in fighting the case. Like Kelly, it wasn't about money, he said, "It's about what's right or wrong."

"I just wanted the guy to stop. I never knew he would pursue it."

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