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Traub Lieberman Partners Patrick Carley and Lisa Shrewsberry Win Reversal on Appeal in Favor of Matrimonial Attorney in Defamation Action

Related Attorneys: J. Patrick Carley, III, Lisa L. Shrewsberry

In an appeal brought before the New York Appellate Division, Second Department, Traub Lieberman Partners Patrick Carley and Lisa Shrewsberry obtained reversal on appeal in favor of their client in an alleged defamation matter. The TLSS client, a family law attorney, represented her client (husband) in a divorce action in Westchester County. During such representation, she advised her adversary (attorney for the wife) that the wife had a boyfriend spending time around the children who was a “wife beater.” Plaintiff (also a Westchester attorney) identified himself as the subject boyfriend, and commenced an action against the TLSS client (husband’s attorney) and the husband, seeking to recover damages for defamation, alleging that such unflattering characterization caused Westchester County court personnel and other attorneys to view him in a negative light. TLSS moved to dismiss the defamation causes of action based upon the absolute privilege afforded to statements made in the course of a judicial proceeding. The Supreme Court denied the motion.

On the appeal, TLSS strenuously asserted that communications made in court proceedings should be considered privileged if they are relevant to the action. In review of the statements made and their relevancy to the action, the Appellate Division found that the alleged defamatory statements were pertinent to the proceedings and therefore protected by the absolute privilege for statements made in a judicial proceeding. The order was reversed and the action was dismissed against the TLSS client.

<https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=jsbxc7/laUkm0utHdZ7yog==>