



# Archer Successfully Defends Pennsylvania Newspaper Against Defamation Claim

Press Releases

08.01.2007

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RE: Weber v. Lancaster Newspapers, Inc., et al. (No. CI-98-13401, Pa. Ct. Common Pleas., Lancaster County).

## **PENNSYLVANIA JURY REACHES A DEFENSE VERDICT OF NO CAUSE FOR ACTION IN CASE ALLEGING DEFAMATION BY ARTICLES PUBLISHED BY NEWSPAPERS**

On July 31, 2007, a jury of the Pennsylvania Court of Common Pleas for Lancaster County reached a verdict for the defense in a trial that involved plaintiff's claim of defamation by implication. Archer partner, John C. Connell, representing the Ledger Newspapers, successfully argued that plaintiff's claim, including alleged damages for economic and non-economic loss in excess of \$750,000.00, were not actionable because the published statements were substantially true or, alternatively, protected by the fair report privilege. Connell is a member of the firm's Commercial Litigation and Labor & Employment Departments, and the chair of the firm's Media and Communications Law Group.

The case was overseen by Judge Paul K. Allison. The case was brought in 1998, when plaintiff, a member of the municipal solicitor's office, asserted seven claims that published reports of her being variously identified in relation to the allegations of a domestic violence complaint against the Acting Police Chief of the same municipality, brought by the Acting Police Chief's former lesbian partner, were defamatory for implying that she was a co-defendant in that domestic violence proceeding. After the trial court granted summary judgment to the defense on all claims, on plaintiff's appeal the Superior Court affirmed dismissal of six of the defamation claims, but remanded for trial of the seventh claim that plaintiff was "named" and "accused" and "charged" in the allegations of the domestic violence complaint with having phoned the victim at work harassing her. The Pennsylvania Supreme Court declined to hear the further appeal.

Plaintiff argued that the articles were defamatory for communicating a sting greater than that contained in the complaint by effectively accusing plaintiff of the conduct alleged in the complaint, inaccurately and unfairly conveying the impression that plaintiff was the co-defendant in the domestic violence complaint, giving plaintiff prominence in the headline and article layout greater than that in the complaint, and failing to check corroborating sources. Plaintiff further asserted that defendants abused any privilege that they may have

otherwise enjoyed. Plaintiff claimed that, because of the defamatory publications, she was involuntarily terminated from her law firm and also suffered non-economic loss in terms of emotional distress, ridicule and humiliation.

Defendants successfully argued that the published articles truthfully conveyed the substance of the allegation in the complaint according to the ordinary meaning of the language used and understood by the average reader, and/or fairly and accurately reported the allegation against plaintiff without any showing of abuse, and communicated a matter of public concern which is a statutory defense under Pennsylvania law. Defendants also successfully asserted that the alleged actions of the defendants were not a proximate or factual cause of the purported economic loss suffered by plaintiff, and that plaintiff's damages were non-existent. Defendants offered evidence that plaintiff voluntarily left her employment and averred that plaintiff had no affirmative proof of disrepute by anyone who rejected her or thought less of her. The defense economic and vocational experts confirmed the absence of proximate cause and the fact of plaintiff's unemployability prior to the publications.

The trial commenced on July 23, 2007. Plaintiff's case in chief consumed 5 days of trial, the defense, 1 day. Closing arguments were heard on July 31, 2007, and a defense verdict was rendered on July 31, 2007 after approximately fifty minutes of deliberation by the jury.

Counsel for the defendants: John C. Connell, Esquire, of Archer, P.C., for Solanco Sun Ledger of Ledger Newspapers; George C. Werner, Esquire, of Barley Snyder LLC, for Intelligencer Journal and Lancaster New Era and Lancaster Sunday News of Lancaster Newspapers, Inc.

Counsel for the plaintiffs: Ralph D. Samuel, Esquire and Lynn Malmgren, Esquire, of Ralph D. Samuel and Co., P.C.

For more information about this verdict, contact John C. Connell, Esq. at 856-354-3074 or [jconnell@archerlaw.com](mailto:jconnell@archerlaw.com).

## Related People



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