



NYC OFFICE: 9 EAST 38TH STREET | 3RD FLOOR | NEW YORK, NY 10016 | TEL: 212.448.9933 | FAX: 212.448.9943

CUOMO LLC DEFEATS POLITICALLY-CHARGED DEFAMATION LAWSUIT

January 21, 2010

Matthew A. Cuomo and Sara R. David successfully defended a community activist against claims of defamation and civil rights violations arising out of a heated school board election. This case exemplified what former House Speaker Tip O'Neill once noted, that "all politics is local," and here, particularly contentious.

Background: This case arose out of a long running dispute between factions of a local school board. Our client was at various times either a member of or candidate for the Board. She was aligned with a grassroots community organization and various members of the Board. On the other side of the dispute was the plaintiff's father, a member of the Board. The plaintiff, a teacher in the same school district, alleged that as a result of the dispute among the Board she was improperly terminated.

Federal and State Court Actions: The plaintiff sued our client, members of the Board, the school district and various school officials in federal court alleging defamation and various federal and state civil rights violations. Mr. Cuomo and Ms. David convinced the plaintiff to discontinue the federal case against our client because she was not a "state actor". Then, the plaintiff commenced a separate lawsuit against our client in the state court alleging defamation and a violation of the New York Civil Rights Law, which prohibits making use of another's photo or likeness for commercial gain.

Mr. Cuomo and Ms. David moved to dismiss the case as the use of plaintiff's likeness in the campaign literature constituted protected political speech. Further, the commentary in the literature comprised speech of public importance or opinion and was not defamatory. The court granted our motion and dismissed all of the plaintiff's claims against our client. The plaintiff did not appeal.

Our Approach: Cuomo LLC's thoughtful and aggressive action placed our client in a position to prevail. Regardless of the identity of the client or the type of case, Cuomo LLC carefully formulates a strategy and then employs aggressive but focused tactics to achieve success.

Please call us for more information

If you would like to discuss this case, or any other matter, please call us at (212) 448-9933. In addition, please visit our website at www.cuomollc.com for further information about our firm.