

# Galloway Pensacola Attorney Achieves Favorable Summary Judgment in a Defamation Case by Proving Lack of Provable Harm to the Plaintiff

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In an example of the approach trial courts are encouraged to take under Florida's new summary judgment standard, Pensacola attorney Austin Moretz recently achieved summary judgment in favor of a defendant in Florida's First Judicial Circuit.

In a case that spanned more than five years, the plaintiff alleged that one of the co-defendants made defamatory statements against him, which were republished via email by Galloway's client. The defendants' request for summary judgment was ultimately granted and resulted in a ruling entirely in favor of both defendants.

As stated in the court ruling, "Defamation has the following five elements: (1) publication; (2) falsity; (3) actor must act with knowledge or reckless disregard as to the falsity on a matter concerning a public official, or at least negligently on a matter concerning a private person; (4) actual damages; and (5) statement must be defamatory." *Jews For Jesus, Inc. v. Rapp*, 997 So. 2d 1098, 1106 (Fla. 2008).

In granting our motion for summary judgment and ruling in our client's favor, the Court agreed that the plaintiff failed to establish a key requirement of his defamation claim – that he had sustained any actual, provable damages.

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