Disposition and scope of the claims

Stevenson v. Stevenson, No. 56-CV-20-2928
Doc. 429, Order and Memorandum Granting Summary Judgment and Dismissing, June 16, 2023

Selected passages, transcribed from the court's order. Formatting and line breaks are simplified. Each labeled block stands separately and identifies its original page. Material between blocks may be omitted; [...] marks an omission within a block. Page numbers in this PDF refer to the excerpt, not the full order.

Operative order - original page 1

IT IS HEREBY ORDERED THAT: 1. Defendants' Motion for Summary Judgment is GRANTED. Plaintiffs' complaint is DISMISSED. 2. All other pending motions and requests are dismissed as moot. 3. The attached MEMORANDUM is hereby incorporated by reference herein. LET JUDGMENT BE ENTERED

Pleaded scope - original page 15

In this case, Plaintiffs have expressly pleaded a claim for defamation per se, and they have not otherwise pleaded special damages. Because defamation claims must be pleaded with specificity, cf. Pope v. ESA Servs., Inc., 406 F.3d 1001, 1011 (8th Cir. 2005), Plaintiffs' claims are therefore limited to only those statements that are capable of meaning that is defamatory per se. Moreover, it is clear from Plaintiffs' arguments that they make no claim that any of Defendants' statements alleged disease or unchastity, or disparaged Craig in his professional capacity. Thus, the only issue is whether any of Defendant's statements could be construed as falsely accusing Craig of committing a crime.

Footnote 2 - original page 15

2 Defendants make voluminous arguments that their statements are incapable of being defamatory at all (as opposed to defamatory per se). These arguments fail at some points — a reasonable reader could construe some of Defendants' statements as transmitting or conveying implied factual allegations, the veracity of which is disputed, that could be shown to have injured Craig's reputation if paired with proof of actual harm. Meanwhile, Plaintiffs' responses to those arguments, while sometimes legally sound on their own terms, are nonetheless beside the point — the issue is not whether Defendants' statements would be capable of carrying defamatory meaning in the context of claims not pleaded. The issue is whether Plaintiffs can show that Defendants' statements would convey to a reasonable reader that Craig had committed a crime.

Defamation disposition - original page 25

Because none of Defendants' publications, taken in context, makes the false allegation of a crime, Plaintiffs' claims of defamation per se must be dismissed.

Emotional-distress disposition - original page 32

The Court holds that Sean's alleged conduct, even when viewed in the light most favorable to Plaintiffs' claim, patently fails to be meet the element of being extreme, outrageous, and intolerable in a civilized society. For this reason, a claim for intentional infliction of emotional distress cannot stand. In light of this, it is unnecessary to consider Defendants' other arguments for dismissal of this claim.

Conspiracy disposition - original page 33

Because the underlying tort is an element of a civil conspiracy claim, it must be pleaded; and dismissal of the underlying tort claim will mandate dismissal of the civil conspiracy claim as well. Because the Court is dismissing Plaintiffs' claims for defamation per se and intentional infliction of emotional distress, their claims for civil conspiracy must fail as well. In light of this, it is unnecessary for the Court to consider the parties' arguments, filings, and motions about these filings, related to the other elements of a civil conspiracy.