# Summary judgment and disputed intent

*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.

### Summary-judgment standard - original page 13

> Defendants now move for summary judgment dismissing all of these claims. "Summary judgment is appropriate when the evidence, viewed in the light most favorable to the nonmoving party, shows that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law." Stringer v. Minnesota Vikings Football Club, LLC, 705 N.W.2d 746, 753 (Minn. 2005). "The district court's function on a motion for summary judgment is not to decide issues of fact, but solely to determine whether genuine factual issues exist." DLH, Inc. v. Russ, 566 N.W.2d 60, 70 (Minn. 1997). A party may resist summary judgment by presenting "evidence that creates a doubt as to a factual issue that is 'probative with respect to an essential element of the nonmoving party's case to permit reasonable persons to draw different conclusions.'" Guercio v. Prod. Automation Corp., 664 N.W.2d 379, 383 (Minn. App. 2003) (quoting DLH, 566 N.W.2d at 71). A plaintiff's claim must be dismissed on summary judgment when the undisputed facts negate an "element essential" of the plaintiff's case, for which the plaintiff has the burden of proof. Naegele Outdoor Advert. Co. of Minneapolis v. City of Lakeville, 532 N.W.2d 249, 252 (Minn. App. 1995).

### Denial and competing inference - original page 24

> Craig does deny that he intended to permanently deprive Renee of the property in question. But, of course, the fact that he did not return the property until prompted could reasonably support the opposite inference.

### Substantial truth and interpretation - original page 24

A statement is not defamatory if it is substantially true. “If the statement is true in substance, minor inaccuracies of expression or detail are immaterial … so long as the substance, the gist, the sting, of the … charge is justified.” McKee, 825 N.W.2d at 730. Moreover, “[a] commentator who advocates one of several feasible interpretations of some event is not liable in defamation simply because other interpretations exist.” Hunter v. Hartman, 545 N.W.2d 699, 707 (Minn. App. 1996). “Consequently, remarks on a subject lending itself to multiple interpretations cannot be the basis of a successful defamation action because as a matter of law no threshold showing of ‘falsity’ is possible in such circumstances.” Id. “[I]f it is plain that the speaker is expressing a subjective view, an interpretation, a theory, conjecture, or surmise, rather than claiming to be in possession of objectively verifiable facts, the statement is not actionable.” Schlieman v. Gannett Minnesota Broad., Inc., 637 N.W.2d 297, 308 (Minn. App. 2001).

### Innocent-intent alternative - original page 25

Even if Craig had an innocent intent, Sean’s statement is merely a non-actionable gloss on those undisputed facts.

### 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.