

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FIRST DEPARTMENT

Leffler v. Kotick

2026 NY Slip Op 03233 · No. Index No. 155820/18; Appeal No. 6683; Case No. 2025-05709 · Decided May 21, 2026

SUMMARY

The Appellate Division, First Department modified an order awarding \$72,000 in defamation damages and increased the compensatory damages award to \$100,000. The court held that the award reasonably compensated the plaintiff, an attorney, for reputational harm from statements accusing him of perjury and suborning perjury. The court declined to include litigation conduct or legal fees in the damages analysis and found insufficient evidence to support punitive damages.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Per curiam; Kennedy, J.P.; Scarpulla, J.; Mendez, J.; Rodriguez, J.; Rosado, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	May 21, 2026
DOCKET	Index No. 155820/18; Appeal No. 6683; Case No. 2025-05709
DISPOSITION	other
PROCEDURAL POSTURE	Cross-appeals from an order awarding plaintiff \$72,000 in defamation damages after an inquest on oral testimony.
STANDARD OF REVIEW	Review on the law and the facts of the damages award.
PRECEDENTIAL VALUE	published
PARTIES	Marc Leffler v. Joel M. Kotick

TOPICS

- defamation
- compensatory damages
- punitive damages
- appellate procedure
- damages

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the \$72,000 defamation damages award provided reasonable compensation for the reputational harm caused by Kotick's defamatory statements.
2. Whether defendant's conduct during the proceedings and plaintiff's legal fees could be included in calculating reasonable compensation.
3. Whether plaintiff's testimony substantiated an award of punitive damages.
4. Whether defendant presented evidence supporting a reduction of the damages award.

HOLDINGS

1. An award of \$100,000 in compensatory damages was reasonable compensation for the reputational harm caused by statements accusing plaintiff, an attorney, of perjury and suborning perjury; the lower court's \$72,000 award was increased accordingly.
2. It was improper to include defendant's conduct during the proceedings or plaintiff's legal fees in the reasonable-compensation analysis for the defamation damages award.
3. Plaintiff's testimony did not substantiate an award of punitive damages.
4. Defendant failed to present evidence during the inquest justifying a reduction of the damages award, and his reduction arguments on appeal were unavailing.

KEY QUOTATIONS

“An award of \$100,000 in compensatory damages for defendant's defamatory statements accusing plaintiff, an attorney, of perjury and suborning perjury constitutes reasonable compensation for his reputational harm” (*1)

“in cases involving defamation per se, the law presumes that damages will result and special damages need not be alleged or proven” (*1)

FACTUAL BACKGROUND

Kotick made defamatory statements accusing Leffler, an attorney, of perjury and suborning perjury. Leffler testified that clients, coworkers at his law firm, and the insurance company insuring his clients questioned him about the statements. Although he could not explicitly quantify the effect on his career, the court found that the statements caused presumed reputational harm warranting \$100,000 in compensatory damages.

PROCEDURAL HISTORY

Supreme Court, New York County, entered an order on September 8, 2025, awarding Leffler \$72,000 in damages for defamation after an inquest. The Appellate Division modified the order to increase compensatory damages to \$100,000 and otherwise affirmed.

DISPOSITION

other

CASES CITED

- Couteller v. Mamakos, 244 A.D.3d 556, 558 (1st Dep't 2025)
- Kasavana v. Vela, 172 A.D.3d 1042, 1046 (2d Dep't 2019)
- Brinkley v. Casablancas, 80 A.D.2d 428, 435 (1st Dep't 1981)
- Chiavarelli v. Williams, 281 A.D.2d 255, 256 (1st Dep't 2001)

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