

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT

Park v. Yoon Young Park

2022 NY Slip Op 05213 (App. Div. 2022) · No. 2019-09751 · Decided September 21, 2022

SUMMARY

The Appellate Division, Second Department affirmed an order granting Korean Channel summary judgment in a defamation action. The court held that the broadcaster was not grossly irresponsible in reporting statements made at a press conference and that portions of the broadcast were not actionable because the plaintiff was not readily identifiable or was referred to only as part of a general class of attorneys.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Francesca E. Connolly, J.P.; Reinaldo E. Rivera, J.; Deborah A. Dowling, J.; Helen Voutsinas, J.
JURISDICTION	New York
DECIDED	September 21, 2022
DOCKET	2019-09751
DISPOSITION	affirmed
PROCEDURAL POSTURE	The plaintiff appealed from an order granting Korean Channel's motion for summary judgment dismissing the defamation complaint insofar as asserted against it.
STANDARD OF REVIEW	The court reviewed the grant of summary judgment to determine whether Korean Channel established its prima facie entitlement to judgment as a matter of law and whether the plaintiff raised a triable issue of fact in opposition.
PRECEDENTIAL VALUE	published appellate decision
PARTIES	I. Andrew Park v. Korean Channel

TOPICS

- defamation
- summary judgment
- standard of review
- appellate procedure
- civil procedure

PRACTICE AREAS

defamation

torts

civil procedure

QUESTIONS PRESENTED

1. Whether Korean Channel could be held liable for defamation only upon proof that it acted in a grossly irresponsible manner because the plaintiff was a private figure and the broadcast concerned a matter within the sphere of legitimate public concern.
2. Whether Korean Channel established prima facie that it was not grossly irresponsible in reporting statements made during the press conference.
3. Whether Korean Channel was required to contact the plaintiff before broadcasting the report.
4. Whether the portion of the broadcast concerning attorneys generally was actionable defamation by the plaintiff.

HOLDINGS

1. A private plaintiff may hold a publisher liable for defamation concerning a matter within the sphere of legitimate public concern only if the publisher acted in a grossly irresponsible manner, without due consideration for ordinarily responsible standards of information gathering and dissemination.
2. Korean Channel established prima facie that it was not grossly irresponsible in reporting statements made during the press conference, and the plaintiff failed to raise a triable issue of fact.
3. Korean Channel was not required to contact the plaintiff before disseminating the broadcast because the person purportedly defamed at the press conference was identified only by initials and was not readily identifiable as the plaintiff.
4. The portion of Korean Channel's broadcast that purported to convey information concerning attorneys generally was not actionable defamation by the plaintiff because it lacked sufficient particulars identifying an individual.

KEY QUOTATIONS

*"The 'standard of 'gross irresponsibility' demands no more than that a publisher utilize methods of verification that are reasonably calculated to produce accurate copy'" (*1)*

FACTUAL BACKGROUND

The plaintiff, an attorney, alleged that he was defamed by a Korean Channel television broadcast concerning pre-settlement loans offered to plaintiffs in personal injury lawsuits. The broadcast reported information provided by Yoon Young Park during a press conference and identified the person discussed only by initials. Korean Channel primarily relied on Park, whom it regarded as a credible and well-regarded source, and followed its information-gathering protocol for press conferences.

PROCEDURAL HISTORY

I. Andrew Park commenced an action for defamation based on a Korean Channel television broadcast reporting statements made by Yoon Young Park at a press conference. The Supreme Court, Queens County, granted Korean Channel's motion for summary judgment dismissing the complaint against it. The Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- Stone v Bloomberg L.P., 163 AD3d 1028, 1029
- Chapadeau v Utica Observer-Dispatch, 38 NY2d 196, 199
- Udell v NYP Holdings, Inc., 169 AD3d 954, 955
- Karaduman v Newsday, Inc., 51 NY2d 531, 549
- Hayt v Newsday, LLC, 176 AD3d 787, 788
- Matovcik v Times Beacon Record Newspapers, 108 AD3d 511, 511
- Rainbow v WPIX, Inc., 179 AD3d 561, 563
- Yellon v Lambert, 289 AD2d 486, 486
- Robare v Plattsburgh Publ. Co., Div. of Ottaway Newspapers, 257 AD2d 892, 893
- Brady v Ottaway Newspapers, 84 AD2d 226, 233
- Three Amigos SJL Rest., Inc. v CBS News Inc., 28 NY3d 82, 86