

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

Evans v. Punter

2026 NY Slip Op 02778 (1st Dep't 2026) · No. Index No. 154101/20; Appeal No. 6536; Case No. 2025-04208 ·
Decided May 5, 2026

SUMMARY

The Appellate Division, First Department, unanimously affirmed the dismissal of Paul Evans's defamation and libel per se claims on summary judgment. The court held that statements describing Evans as acting aggressively, disrespectfully, and unprofessionally were nonactionable opinions based on disclosed facts, and that qualified privilege also applied because the defendants reported his conduct to persons with a corresponding interest.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Manzanet-Daniels, J.P.; Kapnick, J.; Rodriguez, J.; Pitt-Burke, J.; O'Neill Levy, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	May 5, 2026
DOCKET	Index No. 154101/20; Appeal No. 6536; Case No. 2025-04208
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from an order granting defendants' separate motions for summary judgment dismissing the complaint.
STANDARD OF REVIEW	The Appellate Division reviewed the grant of summary judgment and dismissal of the defamation and libel per se claims.
PRECEDENTIAL VALUE	Published New York intermediate appellate decision
PARTIES	Paul Evans v. Malcolm A. Punter, Harlem Congregations for Community Improvement, Inc., Aarian Punter, Rucker Park Prep Foundation

TOPICS

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

PRACTICE AREAS

defamation

torts

civil procedure

QUESTIONS PRESENTED

1. Whether statements describing plaintiff as acting aggressively and being disrespectful and unprofessional were actionable defamation or libel per se.
2. Whether defendants' statements were protected by qualified privilege.
3. Whether defendants were entitled to summary judgment dismissing the complaint.

HOLDINGS

1. The statements describing plaintiff as acting aggressively and being disrespectful and unprofessional were nonactionable expressions of opinion because they were based on disclosed facts.
2. Qualified privilege applied because defendants had a legitimate interest in reporting plaintiff's conduct at a public charity event to persons who had a corresponding interest, and plaintiff failed to show actual malice.

KEY QUOTATIONS

“Plaintiff's defamation and libel per se claims were properly dismissed on the ground that the allegedly defamatory statements describing plaintiff as acting "aggressively" and being "disrespectful" and "unprofessional" were nonactionable expressions of opinion based on disclosed facts” ([*1])

“Defendants had a legitimate interest in reporting plaintiff's conduct at a public charity event to those individuals with a corresponding interest in the conduct, since plaintiff was acting in his capacity as a government employee” ([*1])

FACTUAL BACKGROUND

Plaintiff, a government employee managing a public park, alleged that defendants made defamatory statements about his conduct at a public charity event. The statements described him as acting aggressively and being disrespectful and unprofessional. Defendants sent correspondence describing plaintiff's specific conduct to his supervisor and other persons with a corresponding interest. Plaintiff did not meaningfully dispute the underlying facts and failed to establish actual malice.

PROCEDURAL HISTORY

The Supreme Court, New York County, granted separate summary-judgment motions by the defendants and dismissed the complaint as against them. The Appellate Division, First Department, unanimously affirmed without costs.

DISPOSITION

affirmed

CASES CITED

- Davis v. Boenheim, 24 N.Y.3d 262, 269 (2014)
- O'Neill v. New York University, 97 A.D.3d 199, 207 (1st Dep't 2024)
- Herlihy v. Metropolitan Museum of Art, 214 A.D.2d 250, 258 (1st Dep't 1995)
- Liberman v. Gelstein, 80 N.Y.2d 429, 437-38 (1992)

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