

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)

OPINION

Evans v. Punter 2026 NY Slip Op 02778

PER CURIAM.

Evans v Punter - 2026 NY Slip Op 02778 skip to main content It appears you are using Adblock. Please disable Adblock to best experience our website. Law Reporting Bureau Thomas J.K. Smith, State Reporter Court Decisions Resources About Home All Court Decisions Decisions Evans v Punter 2026 NY Slip Op 02778 May 5, 2026 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This decision is uncorrected and subject to revision before publication in the Official Reports. Paul Evans, Plaintiff-Appellant, v Malcolm A. Punter et al., Defendants-Respondents. Decided and Entered: May 05, 2026 Index No. 154101/20|Appeal No. 6536|Case No. 2025-04208| Before: Manzanet-Daniels, J.P., Kapnick, Rodriguez, Pitt-Burke, O'Neill Levy, JJ. Law Office of Bernard V. Kleinman, PLLC, Somers (Bernard V. Kleinman of counsel), for appellant. O'Connor Redd Orlando LLP, Port Chester (Jerri A. DeCamp of counsel), for Malcolm A. Punter and Harlem Congregations for Community Improvement, Inc., respondents. Wood Smith Henning & Berman LLP, New York (Matthew D. Lavoie of counsel), for Aarian Punter and Rucker Park Prep Foundation, respondents. [*1] Order, Supreme Court, New York County (David B. Cohen, J.), entered on or about May 15, 2025, which granted the separate motions of defendants Malcolm A. Punter and Harlem Congregations for Community Improvement, Inc., and defendants Aarian Punter and Rucker Park Prep Foundation, for summary judgment dismissing the complaint as against them, unanimously affirmed, without costs. 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 (see Davis v Boenheim , 24 NY3d 262, 269 [2014]; O'Neill v New York Univ. , 97 AD3d 199 , 207 [1st Dept 2024]). Defendants' correspondence to plaintiff's supervisor set forth the underlying facts describing plaintiff's specific conduct while he performed his duties managing a public park, which facts plaintiff does not meaningfully dispute. In any event, qualified privilege applied to defendants' allegedly defamatory statements. 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 (Herlihy v Metropolitan Museum of Art , 214 AD2d 250, 258 [1st Dept 1995]), and, on this record, plaintiff failed to show that the allegedly defamatory

statements were made with actual malice (see *Lieberman v Gelstein* , 80 NY2d 429, 437-38 [1992]). We have considered plaintiff's remaining arguments and find them unavailing. THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: May 5, 2026 Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.