

SUPREME COURT OF NEW HAMPSHIRE

Sanguedolce v. Wolfe

164 N.H. 644 (2013) · Decided February 25, 2013

SUMMARY

The New Hampshire Supreme Court held that a false statement that a prisoner testified against a criminal associate could not reasonably be construed as defamatory because cooperation with law enforcement is generally viewed favorably by law-abiding citizens. The court affirmed dismissal of the defamation claim but vacated the denial of the plaintiff’s motion to amend the writ to add a stand-alone negligence claim, remanding for further proceedings.

CASE DETAILS

COURT	Supreme Court of New Hampshire
WRITING FOR THE COURT	Hicks, J.; Dalianis, C.J.; Conboy, J.; Lynn, J.; Bassett, J.
JURISDICTION	New Hampshire
DECIDED	February 25, 2013
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The plaintiff appealed the superior court's dismissal of his defamation claim and denial of his motion to amend the writ to add a stand-alone negligence claim.
STANDARD OF REVIEW	On a motion to dismiss, the court determines whether the pleadings are reasonably susceptible of a construction that would permit recovery, assumes the pleadings' factual allegations are true, and construes reasonable inferences in the plaintiff's favor. Denial of a motion to amend pleadings is reviewed for an unsustainable exercise of discretion.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of New Hampshire.
PARTIES	Paul Sanguedolce v. Telegraph Publishing Company

TOPICS

- defamation
- negligence
- motion to amend
- motions to dismiss
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the false statement that Sanguedolce testified against a criminal associate could reasonably be construed as defamatory.
2. Whether the trial court improperly denied Sanguedolce's motion to amend the writ to add a stand-alone negligence claim.

HOLDINGS

1. A false statement that a person testified against a criminal associate cannot reasonably be construed as defamatory because the prevailing view among law-abiding citizens is that cooperation with authorities reflects good moral character, respect for the rule of law, and willingness to place justice above personal loyalty.
2. The trial court improperly relied on the conclusion that the defamation and negligence claims were the same cause of action and that the amendment would not cure the defect in the writ. The denial of the motion to amend was vacated and remanded for the trial court to determine in the first instance whether amendment was necessary to prevent injustice and whether the proposed negligence claim could proceed.

KEY QUOTATIONS

"Accordingly, we conclude that the untrue statement that the plaintiff testified against his criminal associate cannot be reasonably construed as defamatory." (647)

"Affirmed in part; vacated in part; and remanded." (649)

FACTUAL BACKGROUND

Sanguedolce, an inmate at the state prison, alleged that Telegraph published an article stating that he had testified against Peter Gibbs in Gibbs's criminal trial for robbery and home invasion. The statement was false because Sanguedolce had not testified against Gibbs. Sanguedolce alleged that the publication caused him to be assaulted and beaten by other inmates and sought to add a negligence claim based on Telegraph's allegedly negligent or reckless reporting.

PROCEDURAL HISTORY

Sanguedolce sued Telegraph Publishing Company and reporter Andrew Wolfe for defamation based on a newspaper article falsely stating that he testified against a criminal associate. The Superior Court granted Telegraph's motion to dismiss and denied Sanguedolce's motion to amend the writ to add negligence. The New Hampshire Supreme Court affirmed the dismissal of the defamation claim, vacated the denial of the motion to amend, and remanded.

DISPOSITION

REMAND INSTRUCTIONS

The trial court must reconsider the plaintiff's motion to amend, including whether amendment is necessary to prevent injustice and whether the proposed negligence allegations are reasonably susceptible of a construction that would permit recovery. The court may also address third-party liability, First Amendment scrutiny, and other applicable challenges.

CASES CITED

- Gen. Insulation Co. v. Eckman Constr., 159 N.H. 601, 611 (2010)
- Pierson v. Hubbard, 147 N.H. 760, 763 (2002)
- Touma v. St. Mary's Bank, 142 N.H. 762, 765 (1998)
- Agnant v. Shakur, 30 F. Supp. 2d 420, 422, 424 (S.D.N.Y. 1998)
- Waring v. William Morrow & Co., Inc., 821 F. Supp. 1188, 1189 (S.D. Tex. 1993)
- Clawson v. St. Louis Post-Dispatch, 906 A.2d 308, 316 (D.C. 2006)
- Andrews v. Stallings, 892 P.2d 611, 624 (N.M. Ct. App. 1995)
- Connelly v. McKay, 28 N.Y.S.2d 327, 329 (N.Y. Sup. Ct. 1941)
- Tessier v. Rockefeller, 162 N.H. 324, 340 (2011)
- Dupont v. Aavid Thermal Technologies, 147 N.H. 706, 709 (2002)
- Remsburg v. Docusearch, 149 N.H. 148, 155 (2003)
- New York Times Co. v. Sullivan, 376 U.S. 254 (1964)
- Hyde v. City of Columbia, 637 S.W.2d 251 (Mo. Ct. App. 1982)
- Olivia N. v. National Broadcasting Co. Inc., 178 Cal. Rptr. 888 (Ct. App. 1981)