

SUPREME COURT OF RHODE ISLAND

Russell Henry v. Media General Operations, Inc., et al.

Henry · No. 2018-169-Appeal (PC 14-2837) · Decided July 8, 2021

SUMMARY

The Rhode Island Supreme Court reviewed a defamation action arising from a televised report alleging that Cranston police Lieutenant Russell Henry participated in a parking-ticket scandal. The Court considered whether Henry was a public official and whether the defendants acted with actual malice under the First Amendment. It affirmed the Superior Court's grant of summary judgment for the defendants.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Associate Justice William P. Robinson III; Chief Justice Suttell; Justice Robinson; Justice Lynch Prata; Justice Long
JURISDICTION	Rhode Island
DECIDED	July 8, 2021
DOCKET	2018-169-Appeal (PC 14-2837)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from a final judgment entered after the Providence County Superior Court granted defendants' motions for summary judgment on defamation, false-light, and negligent and intentional infliction of emotional distress claims.
STANDARD OF REVIEW	Summary judgment is reviewed de novo. The evidence is viewed in the light most favorable to the nonmoving party, but summary judgment is proper when no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. In a public-official defamation case, whether the record contains sufficient evidence of actual malice to meet the clear-and-convincing standard is a question of law subject to independent examination of the whole record.
PRECEDENTIAL VALUE	published
PARTIES	Russell Henry v. Media General Operations, Inc., Chris Lanni, James Taricani, Officer Peter Leclerc, Ronald Jacob, Captain Karen E.

TOPICS

defamation first amendment summary judgment standard of review appellate procedure

PRACTICE AREAS

defamation constitutional law civil procedure appellate procedure privacy torts

QUESTIONS PRESENTED

1. Whether a lieutenant in the Cranston Police Department was a public official for purposes of a defamation claim.
2. Whether the record contained clear and convincing evidence from which a rational jury could find that defendants published the allegedly defamatory report with actual malice.
3. Whether Henry could maintain false-light and negligent or intentional infliction of emotional distress claims when those claims were based on the same publication underlying his unsuccessful defamation claims.

HOLDINGS

1. A lieutenant in the Cranston Police Department was a public official for purposes of a defamation action because Rhode Island precedent classifies police officers as public officials under the Rosenblatt standard.
2. Henry failed to present sufficient evidence for a rational jury to find by clear and convincing evidence that defendants knew the report was false or recklessly disregarded its truth or falsity.
3. Henry could not revive the failed defamation claims by recharacterizing the same publication as false light or negligent or intentional infliction of emotional distress.

KEY QUOTATIONS

“There must be sufficient evidence to permit the conclusion that the defendant in fact entertained serious doubts as to the truth of his publication.” (30-31)

“Actual malice is not measured by what a reasonable, prudent person would do, nor is it measured by a showing of ill will or of malice in the ordinary sense.” (34)

“one may not breathe life into an otherwise doomed defamation claim by re-baptizing it as a different cause of action.” (46)

FACTUAL BACKGROUND

A WJAR evening-news broadcast reported that Lieutenant Russell Henry had participated in a Cranston parking-ticket scandal by ordering officers to issue tickets to punish city council members who opposed a police-union contract proposal. The report relied on information from two sources, neither of whom had firsthand knowledge

of Henry's conduct, and the broadcast was later withdrawn and retracted after Henry denied involvement. Henry asserted that the report was defamatory and that the defendants acted with actual malice, while the record also included evidence that the Cranston police chief had denied Henry's involvement before publication.

PROCEDURAL HISTORY

Henry filed suit in Superior Court in 2014 and later filed a second amended complaint alleging libel, slander, false light, and negligent and intentional infliction of emotional distress based on a television report concerning a Cranston police parking-ticket scandal. The Superior Court granted defendants' motions for summary judgment and entered final judgment on April 11, 2018. The Rhode Island Supreme Court affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The record was remanded to the Providence County Superior Court after affirmance of the judgment.

CASES CITED

- New York Times Co. v. Sullivan, 376 U.S. 254, 269-70, 279-80, 285 (1964)
- United States v. Associated Press, 52 F. Supp. 362, 372 (S.D.N.Y. 1943)
- Rosenblatt v. Baer, 383 U.S. 75, 85-86, 88 (1966)
- Hall v. Rogers, 490 A.2d 502, 503-05 (R.I. 1985)
- St. Amant v. Thompson, 390 U.S. 727, 730-32 (1968)
- Harte-Hanks Communications, Inc. v. Connaughton, 491 U.S. 657, 659, 666-68, 685-88, 692-93 (1989)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 252, 254-56 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986)
- Trainor v. The Standard Times, 924 A.2d 766, 769 n.1 (R.I. 2007)
- Hustler Magazine, Inc. v. Falwell, 485 U.S. 46, 56 (1988)
- Johnston Ambulatory Surgical Associates, Ltd. v. Nolan, 755 A.2d 799, 807 (R.I. 2000)
- Air Distribution Corp. v. Airpro Mechanical Co., Inc., 973 A.2d 537, 541 n.6 (R.I. 2009)
- Lynch v. Spirit Rent-A-Car, Inc., 965 A.2d 417, 424 (R.I. 2009)
- Deutsche Bank National Trust Company v. McDonough, 160 A.3d 306, 311 (R.I. 2017)
- Cullen v. Lincoln Town Council, 960 A.2d 246, 248 (R.I. 2008)
- The Providence Journal Co. v. Convention Center Authority, 774 A.2d 40, 46 (R.I. 2001)
- Lavoie v. North East Knitting, Inc., 918 A.2d 225, 228 (R.I. 2007)
- McGunigle v. City of Quincy, 835 F.3d 192, 206 (1st Cir. 2016)
- Gray v. Udevitz, 656 F.2d 588, 591 (10th Cir. 1981)
- Young v. Gannett Satellite Information Network, Inc., 734 F.3d 544, 549-50 (6th Cir. 2013)

- Farah v. Esquire Magazine, 736 F.3d 528, 534 (D.C. Cir. 2013)
- Washington Post Co. v. Keogh, 365 F.2d 965, 968 (D.C. Cir. 1966)
- ELM Medical Laboratory, Inc. v. RKO General, Inc., 532 N.E.2d 675, 680 (Mass. 1989)
- Bose Corp. v. Consumers Union of United States, Inc., 466 U.S. 485, 511 n.30 (1984)
- Cullen v. Auclair, 809 A.2d 1107, 1111 (R.I. 2002)
- Alves v. Hometown Newspapers, Inc., 857 A.2d 743, 751 (R.I. 2004)
- Major v. Drapeau, 507 A.2d 938, 941 (R.I. 1986)
- Newton v. National Broadcasting Co., Inc., 930 F.2d 662, 669, 682 (9th Cir. 1991)
- Ryan v. Brooks, 634 F.2d 726, 733-34 (4th Cir. 1980)
- Edwards v. National Audubon Society, Inc., 556 F.2d 113, 115, 121-22 (2d Cir. 1977)
- Goldwater v. Ginzburg, 414 F.2d 324, 331-33, 340 (2d Cir. 1969)
- Logan v. District of Columbia, 447 F. Supp. 1328, 1332 (D.D.C. 1978)

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