

DISTRICT OF COLUMBIA COURT OF APPEALS

Park v. Brahmbhatt

No. 18-CV-152 (D.C. Aug. 13, 2020) · No. 18-CV-152 · Decided August 13, 2020

SUMMARY

The District of Columbia Court of Appeals affirmed summary judgment for Milan Brahmbhatt and Peter C. Hansen in Shinok Park’s defamation action. The court held that statements submitted during a World Bank investigation were protected by the judicial-proceedings privilege because they were made by counsel preliminary to proceedings before the World Bank Administrative Tribunal, which the court deemed quasi-judicial, and were relevant to those proceedings.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	John M. Glickman; Roy W. Fisher; Kerry R. Thompson
JURISDICTION	District of Columbia
DECIDED	August 13, 2020
DOCKET	18-CV-152
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the Superior Court of the District of Columbia granting appellees summary judgment in a defamation action on the ground that the judicial-proceedings privilege afforded them absolute immunity.
STANDARD OF REVIEW	De novo review of summary judgment; the court applies the same standard as the trial court and asks whether there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	published
PARTIES	Shinok Park v. Milan N. Brahmbhatt, Peter C. Hansen

TOPICS

- defamation
- summary judgment
- appellate procedure
- administrative law
- employment law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether proceedings before the World Bank Administrative Tribunal are quasi-judicial for purposes of the judicial-proceedings privilege.
2. Whether memoranda submitted by an attorney to the World Bank's Office of Ethics and Business Conduct were preliminary to anticipated World Bank Administrative Tribunal proceedings.
3. Whether the allegedly defamatory statements in the memoranda were sufficiently related or relevant to the anticipated World Bank Administrative Tribunal proceedings to receive absolute immunity.
4. Whether the trial judge violated D.C. Civil Rule 40-I(c) by ruling after reassignment of the case.

HOLDINGS

1. The World Bank Administrative Tribunal is a quasi-judicial body for purposes of the judicial-proceedings privilege.
2. Statements submitted by an attorney to the EBC may receive the judicial-proceedings privilege when they were made preliminary to anticipated WBAT proceedings.
3. The allegedly defamatory statements were relevant to and sufficiently related to anticipated WBAT proceedings because a reasonable person could view Brahmbhatt's factual defense to Park's allegations as bearing on the employment investigation and any later review.
4. Brahmbhatt and Hansen were entitled to absolute immunity under the judicial-proceedings privilege, requiring affirmance of summary judgment on Park's defamation claim.
5. Park waived her argument that the trial judge violated Civil Rule 40-I(c) by ruling after reassignment because she did not raise the argument in the trial court.

KEY QUOTATIONS

"The ultimate inquiry is, and has always been, whether the policy rationales for the privilege support its extension." (10)

"In sum, we conclude that WBAT proceedings are quasi-judicial, that Mr. Hansen submitted the two memoranda preliminary to those proceedings, and that the underlying statements were relevant to future WBAT proceedings." (19)

FACTUAL BACKGROUND

Shinok Park reported that Milan Brahmbhatt had sexually assaulted and harassed her to the World Bank's Office of Ethics and Business Conduct. During the investigation, Brahmbhatt, through his attorney Peter Hansen, submitted two memoranda asserting that his relationship with Park was consensual and accusing her of blackmail and extortion; Park alleged that the memoranda also implied she was a prostitute. The memoranda were included in the investigative materials, and Park later sued Brahmbhatt and Hansen for defamation, alleging that the statements contributed to her termination from the World Bank.

PROCEDURAL HISTORY

Park sued Brahmhatt and Hansen in the Superior Court for defamation based on memoranda submitted during a World Bank investigation. Although the trial court's order was captioned as granting a motion to dismiss, it considered materials outside the pleadings and treated the motion as one for summary judgment under Rule 56. The Superior Court granted judgment for appellees, and Park appealed.

DISPOSITION

affirmed

CASES CITED

- Clay v. Hanson, 536 A.2d 1097 (D.C. 1988)
- Hamilton v. Howard Univ., 960 A.2d 308 (D.C. 2008)
- Sibley v. St. Albans Sch., 134 A.3d 789 (D.C. 2016)
- Arneja v. Gildar, 541 A.2d 621 (D.C. 1988)
- Mazanderan v. McGranery, 490 A.2d 180 (D.C. 1984)
- Sturdivant v. Seaboard Service System, Ltd., 459 A.2d 1058 (D.C. 1983)
- Finkelstein, Thompson & Loughran v. Hemispherx Biopharma, Inc., 774 A.2d 332 (D.C. 2001)
- McNair Builders, Inc. v. Taylor, 3 A.3d 1132 (D.C. 2010)
- White v. Fraternal Order of Police, 909 F.2d 512 (D.C. Cir. 1990)
- Jones v. Mirgon, No. 88-7001, 1989 WL 105498, at *2 (D.C. Cir. Aug. 31, 1989)
- Mendaro v. World Bank, 717 F.2d 610 (D.C. Cir. 1983)
- Mohler v. Houston, 356 A.2d 646 (D.C. 1976)
- Brown v. Shimabukuro, 118 F.2d 17 (D.C. Cir. 1941)
- George Washington Univ. v. Violand, 940 A.2d 965 (D.C. 2008)
- Demopolis v. Peoples Nat'l Bank, 796 P.2d 426 (Wash. 1990)
- Bleecker v. Drury, 149 F.2d 770 (2d Cir. 1945)