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Court Grants Yankwitt LLP's Motion in Dismiss in its Entirety in Contentious Intra-Family Defamation Case

Yankwitt LLP prevailed on its motion to dismiss the plaintiff's complaint in a case presenting the unusual question of whether and when intra-family communications can be the subject of a defamation claim. The plaintiff alleged that our client, who is the plaintiff's sister, made defamatory statements about him in text messages to their mother, for whom our client serves as the caregiver. The plaintiff claimed that the allegedly defamatory statements were made to influence their mother's estate planning. The plaintiff also sought to obtain injunctive relief preventing our client from making further allegedly defamatory statements, and he asserted a claim for elder abuse, seeking injunctive relief that would prescribe the level of care our client would be required to provide their mother.

Faced with Yankwitt LLP's persuasive motion to dismiss the complaint for failure to state a claim, the plaintiff voluntarily amended his complaint. We then filed a motion to dismiss the amended complaint on the grounds that the complaint failed to state actionable claims for defamation and elder abuse. In response to Yankwitt LLP's dispositive legal arguments, the plaintiff voluntarily dismissed the claim for elder abuse, leaving only the defamation claim.

In a decision and order, the Westchester Supreme Court granted the motion and dismissed the amended complaint in its entirety, holding that the allegedly defamatory statements were not actionable because they were protected by the qualified common interest privilege as intra-family communications made in furtherance of a common interest. Thus, the court dismissed the amended complaint in its entirety. The plaintiff noticed an appeal of the ruling and Yankwitt LLP will be prepared to vigorously defend its victory in the appellate division. The Yankwitt LLP team is led by partnerDina Hamerman and counsel Jonathan Ohring.