

Verdicts & Settlements

Company defamed by statements posted on lawyer's website

\$149,000 verdict

In April 2003, the defendant, attorney Jan R. Schlichtmann, launched a commercial website through his firm regarding The Cadle Co.

In connection with the launching of the website, the defendant retained a public relations firm and issued a press release. The press release, among other things, contended that The Cadle Co. was a fraudulent enterprise. The defendant then participated in media interviews concerning Cadle and posted those news articles on the website.

The press articles, along with the website, contended that The Cadle Co. had been ordered to cease all operations in Massachusetts, had avoided Massachusetts' tax laws and licensing requirements, was a "fraudulent enterprise" with the sole purpose of defrauding the public, and had perpetrated a fraud upon the defendant and the U.S. District Court in Massachusetts in connec-

tion with a prior legal proceeding, which had been resolved in favor of Cadle.

Cadle contended that the statements were false and were directly contradicted by numerous documents in the defendant's possession and otherwise within the public domain, including published court decisions.

The defamation action commenced in April 2005. The defendant responded to the lawsuit by asserting claims against The Cadle Co. and its chairman, Daniel C. Cadle, alleging fraud, abuse of process, conspiracy, unfair and deceptive acts and practices, and violations of his civil rights. The defendant also asserted claims against Cadle's litigation counsel, who filed the lawsuit.

The claims against The Cadle Co.'s lawyers were dismissed early in the proceedings. After a month-long trial, a jury rejected each of the defendant's claims and awarded Cadle \$149,000 in damages. The jury specifically found that the statements published on the website and related media comments were

false and defamatory and that the company had met its burden of providing clear and convincing evidence that the defendant had published his defamatory statements with malice.

Type of action: Civil rights

Injuries alleged: Defamation

Name of case: The Cadle Company v. Schlichtmann, et al.

Court/case no.: Essex County Superior Court, No. 2005-00603

Tried before judge or jury: Jury

Name of judge: Kathe M. Tuttman

Amount of verdict: \$149,000

Date: June 29, 2010

Attorneys: Howard M. Cooper and David H. Rich, Todd & Weld; Mark H. Bluver, Springfield (for the plaintiff)