

Press Release

Akerman Achieves Victory for Client in Defamation Case Under New York Anti-SLAPP Law

March 4, 2022

Top 100 U.S. law firm Akerman LLP represented an individual defendant in a unique defamation case that was successfully won under New York’s anti-SLAPP law.

The defamation action was filed in Westchester County Supreme Court. The parties are both members of the dog show community, and the plaintiff accused Akerman’s client of defaming him via a comment to a public Facebook post purportedly discussing the plaintiff’s treatment of dogs, and sought tens of thousands of dollars in damages.

This case is one of a limited number involving New York’s recently expanded anti-SLAPP law. Until late 2020, the state’s anti-SLAPP law was limited to a narrow category of claims involving applicants for public permits or similar entitlements from the government. The updated law, however, applies to “any communication in a place open to the public or a public forum in connection with an issue of public interest,” among other circumstances. Once triggered, the anti-SLAPP law effectively reverses the burden of proof by imposing the actual malice standard and provides for mandatory attorneys’ fees if the claim was brought “without a substantial basis in fact and law.”

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Akerman successfully moved to dismiss the complaint, invoking the anti-SLAPP law. The court agreed that the anti-SLAPP law was applicable because discussion of animal welfare was a matter of public interest and because the Facebook post was considered a public forum. The court did not credit plaintiff's remaining arguments, and dismissed the case against our client in full.

The Akerman team representing the defendant in this case was led by litigation partner Craig Weiner and litigation associate Alexander Newman in New York.

About Akerman

Akerman LLP is a top 100 U.S. law firm recognized among the most forward-thinking firms in the industry by *Financial Times*. Its more than 700 lawyers and business professionals collaborate with the world's most successful enterprises and entrepreneurs to navigate change, seize opportunities, and help drive innovation and growth.

Akerman's Litigation Practice Group has vast experience in a wide range of civil and criminal litigation, including class action defense, securities and corporate litigation, banking, white collar crime and government investigations, insurance, and real estate. The Litigation team is recognized nationally by *U.S. News - Best Lawyers* in several categories including Commercial Litigation, Appellate, and Real Estate Litigation.