



## Virginia Local Government Law

### **Va Supreme Court Opinion Affecting Local Government Law: January 13, 2011**

**By: Andrew McRoberts.** *This was posted Tuesday, January 18th, 2011*

This opinion affecting local government law was handed down by the Virginia Supreme Court on January 13, 2010. Analysis will be forthcoming on this blog.

The following is the [summary from the Virginia Supreme Court website](#):

[091693 Isle of Wight County v. Nogiec](#) 01/13/2011 In a lawsuit charging a county with breach of an employment severance contract and asserting a defamation claim against its assistant administrator, the circuit court erred in denying the county's motions to strike and set aside the verdict because the evidence was not sufficient to support a claim for damages. The judgment for plaintiff on the breach of contract claim is reversed. The circuit court, however, did not err in denying motions to strike and set aside the verdict on plaintiff's defamation claim. The statements alleged were not absolutely privileged because they were not made during a legislative proceeding. The qualified privilege report to a subordinate legislative body was applicable, whether the executive's statements were compelled or volunteered, making them actionable only if plaintiff was able to prove that they were made with malice. Accordingly, the circuit court did not err in denying the individual defendant's motions to strike and set aside the verdict on the defamation claim.

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