

MSC Order: Dadd v. Mount Hope Church

8. April 2010

In *Dadd v. Mount Hope Church*, Case No. 139223, the Michigan Supreme Court reversed the Court of Appeals and reinstated the jury verdict for the plaintiff. The Court concluded that the jury's finding of malice overcame the defendant's claim of a church-related qualified privilege defense to claims of slander and libel.

In *Dadd*, the plaintiff sued her former church and pastor for negligence after she suffered a head injury while after having purportedly been "slain" by the Holy Spirit. After the plaintiff filed the lawsuit, the pastor twice communicated his strong feelings about the lawsuit and plaintiff's moral and religious character—first at a church leadership rally and later in a letter to the church's prayer group. After the pastor made these statements, the plaintiff amended her complaint to include claims of slander, libel and false light. At trial, the defendant argued that the pastor and the church could not be held liable for these statements because the pastor was protected by the qualified privilege. In other words, the defendants argued that the pastor was free to communicate with the church regarding the lawsuit. At the conclusion of the trial, the jury returned a verdict for the plaintiff on all four counts. The defendants appealed and the Court of Appeals unanimously reversed on the defamation claims. The court held that the trial court erred in failing to find that the pastor's statements were subject to a qualified privilege and in failing to instruct the jury accordingly. The court further determined that the error was not harmless and, therefore, the case had to be remanded with instructions to conduct new trial.

The Supreme Court reversed the Court of Appeals judgment and reinstated the jury verdict in plaintiff's favor. Specifically, the Court held that the trial court properly instructed the jury on the false light claim. The Court further determined that the jury found that the defendant had acted with malice in making the defamatory statements, and therefore, any qualified privilege which may have existed was negated. Any error that might have existed in failing to instruct the jury on a qualified privilege for plaintiff's libel and slander claims was therefore harmless.

Justice Markman, who was joined in his opinion by Justice Corrigan, agreed with the reversal of the Court of Appeals opinion as to the false light claim, however, he dissented in the remainder of the order.