

PRESS RELEASE

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CITIZEN-BLOGGER FIGHTS BACK

KINGSTON, N.Y. – A local blogger who was sued for defamation by Mayor James Sottile has fought back with a motion to dismiss the case as well as a demand that the Mayor pay damages under the State law that prohibits lawsuits against citizen activists.

In May 2008, Clark Richters was served with a defamation lawsuit alleging that he hurt the Mayor's reputation by posting on his blog that the Mayor was about to be indicted for bid-rigging in connection with the demolition of the City parking garage. The Mayor sought \$1 million in damages.

On June 30, 2008, Richters filed a motion to dismiss the Complaint with State Supreme Court, Kingston, N.Y., citing New York's law against Strategic Lawsuits Against Public Participation (SLAPP), which requires the court to dismiss meritless defamation suits filed in retaliation for public advocacy in the context of government permits. As argued in the motion to dismiss, Sottile's defamation suit retaliates against Richters for posting an entry which addressed Sottile's relationship with a contractor who allegedly sought a permit to demolish the parking garage. After Sottile complained about the blog entry, Richters deleted it from his blog and apologized publicly.

Under the SLAPP law, defamation cases like this must be dismissed unless the Mayor can show that his case has a substantial basis in law, said Stephen Bergstein, Esq., Richter's lawyer. The SLAPP law makes it harder to win these cases because the alleged defamation victim has to show he has a great case for defamation, Bergstein said, not merely an actionable one. As the Mayor is a public figure and Richters removed the blog post, the case should be dismissed.

The motion to dismiss points out to the Court that Richters is entitled to damages and attorneys' fees in connection with the filing of this lawsuit. The State Legislature inserted these provisions into the SLAPP law to discourage developers and politicians from trying to intimidate activists from speaking out on important public matters, Bergstein said.

A PDF copy of the motion to dismiss is available by calling Bergstein at (845) 469-1277.