

**BOISE, FRIDAY, SEPTEMBER 21, 2018, AT 10:00 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

**JAMES VERITY and SARAHNA VERITY,** )  
**husband and wife,** )  
**Plaintiffs-Respondents,** )  
**v.** )  
**USA TODAY, a division of Gannett Satellite** )  
**Information Network, LLC, a Delaware limited** )  
**liability company; KTVB, a division of King** )  
**Broadcasting Company, a Washington** )  
**corporation; KGW, a division of Sander** )  
**Operating Co. III, LLC, a Delaware limited** )  
**liability company; TAMI TREMBLAY, an** )  
**individual; STEPHEN REILLY, an individual,** )  
**Defendants-Appellants,** )  
**and** )  
**JOHN / JANE DOES.** )  
**Defendants.** )

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**Docket No. 45530**

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Melissa Moody, District Judge.

Givens Pursley LLP, Boise, for appellants.

Shep Law Group, Meridian, for respondents.

Charles A. Brown, Lewiston, for *amici curiae*.

BALLAD SPAHR LLP, Washington D.C., for *amici curiae*.

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This is a permissive appeal that presents a case of first impression regarding whether the tort of defamation by implication exists in Idaho. Respondent James Verity was a school teacher in Oregon who lost his teaching license after engaging in an inappropriate relationship with a female student, whom he coached at the local high school. He eventually obtained a teaching license in Idaho, where he soon after began teaching. When USA TODAY, KTVB, KGW, Tami Tremblay, and Stephen Reilly published articles and/or broadcast news reports describing

Verity's misdeeds, he and his wife Sarahna Verity filed a lawsuit alleging defamation by implication. The district court denied the media's motion for summary judgment and ruled that despite the actual truth of the statements, a jury should consider whether the media impliedly defamed the Veritys, among other things. The media now appeals that decision.