

SUMMARY STATEMENT

Verity v. USA Today, Docket No. 45530

The Idaho Supreme Court reversed and remanded a district court's ruling in a defamation by implication case. The case arose by permissive appeal and presented 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 an eighteen-year-old female student, whom he coached at the local high school. He eventually obtained a teaching license in Idaho, and began teaching shortly thereafter. When he was forced to resign his teaching job in Idaho after USA TODAY, KTVB, KGW, Tami Tremblay, and Stephen Reilly published articles and 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 defendants' motion for summary judgment and ruled that despite the actual truth of the statements, reasonable minds could find that the media impliedly defamed the Veritys. The media appealed that decision as a permissive appeal under Idaho Appellate Rule 12. In a unanimous decision, the Idaho Supreme Court established the elements for a defamation by implication case in Idaho. The Court held that Verity is not a public official or public figure and that a reasonable jury could find that KGW impliedly defamed Verity about having a sexual relationship with a minor. The Court ordered that the counts against all remaining defendants be dismissed and remanded the case to the district court for further action.