

Fire Chief Held Not Liable in Employment Defamation Trial

***DeBenedictis v. Town of Hanover*, Plymouth Superior Court, C.A. No. 14-0641 (July 28, 2017)**

A Plymouth County jury of 12 returned a verdict in favor of Hanover Fire Chief Jeffrey Blanchard in a defamation case brought against him by a former employee, Louis DeBenedictis. After a four-day trial, the jury reached its verdict in under four hours. PDP attorneys Seth B. Barnett and John M. Wilusz defended Chief Blanchard.

Mr. DeBenedictis, a former Hanover firefighter, claimed that the Town's dissemination of his personnel file and disciplinary history to potential employers was false and defamatory. The case was originally filed against Chief Blanchard, the Town of Hanover and its Town Manager, Troy Clarkson, and contained claims for civil rights violations, breach of contract, and several intentional torts. After a successful Summary Judgment motion, PDP was able to dispose of all of Mr. DeBenedictis's claims except for a narrow claim of defamation.

The sole surviving claim concerned whether the inclusion of a disciplinary record in the personnel file which referenced a suspension that Mr. DeBenedictis ultimately did not serve was false and defamatory. The plaintiff, however, was unable to offer any testimony or other evidence to show that inclusion of the document in his personnel file somehow caused prospective employers not to hire him and/or damaged his reputation in the firefighting community. After a brief deliberation, the jury found that the documents in Mr. DeBenedictis's personnel file that were shared with other municipalities were neither false nor defamatory. Rejecting Mr. DeBenedictis's argument, the jury returned a defense verdict in favor of Chief Blanchard.