

IN THE SUPREME COURT OF OHIO

AARON ANDERSON, et al.,	:	
	:	Case No. _____
Plaintiffs-Appellees,	:	
	:	On appeal from the
vs.	:	Franklin County Court
	:	of Appeals, Tenth District
WBNS-TV, INC.,	:	
	:	Court of Appeals
Defendant-Appellant.	:	Case No. 23 AP 647

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**DEFENDANT-APPELLANT WBNS-TV, INC.'S  
MEMORANDUM IN SUPPORT OF JURISDICTION**

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**EXPLANATION OF WHY THIS IS A CASE OF PUBLIC  
OR GREAT GENERAL INTEREST**

At this point, it is clear that—absent intervention from this Court—the Tenth District intends to ensure that Defendant-Appellant WBNS-TV, Inc. (“WBNS”) loses this defamation case; even if it means repeatedly **re-writing** Ohio’s defamation and First Amendment jurisprudence, in a way that threatens long-standing speech protections afforded to **all Ohioans**, in order to achieve its desired result.

Initially, the Tenth District reversed the trial court’s grant of summary judgment for WBNS by manufacturing, from whole cloth, a new standard purporting to impose on WBNS (and other media defendants) a “**stronger duty** to research the facts” than that contemplated in this Court’s defamation precedent. *Anderson v. WBNS-TV, Inc.*, 2018-Ohio-761, ¶ 11 (10<sup>th</sup> Dist.) (*Anderson I*). This Court accepted jurisdiction and summarily reversed *Anderson I*, observing that “[a]lthough the court of appeals correctly stated the appropriate standard ..., **it ultimately applied a different standard**”—one that was not supported by Ohio law. *Anderson v. WBNS-TV, Inc.*, 2019-Ohio-5196, ¶ 13 (emphasis added) (*Anderson II*).

In her dissent arguing that the *Anderson II* Court should have simply disposed of the entire case (rather than remanding it to the Tenth District), the now-Chief Justice concluded that WBNS’ challenged “CrimeTracker” publications were **not defamatory as a matter of law**. In doing so, then-Justice Kennedy aptly observed that such publications “provide[d] a valuable public service to the general public and law enforcement by publicizing requests for tips” and “[a] **viewer** watching or reading the ... reports at issue here would understand that the information being viewed was about an ongoing police investigation into an unsolved crime and that the CPD was turning to the

community to obtain tips or information about the robbery and the identity of unknown robbery suspects.” *Anderson II* at ¶¶ 102, 106 (Kennedy, J. dissenting) (emphasis added).

After remand, however, the Tenth District simply **ignored** this analysis. Instead, it **incorrectly** considered the question of whether the challenged publications were defamatory from the perspective of the **publisher**, rather than the viewer/reader, in summarily concluding that “a question of fact remains regarding whether the harmful potential of WBNS’ statements should have been apparent to a reasonable broadcaster.” *Anderson v. WBNS-TV, Inc.*, 2020-Ohio-6933, ¶ 27 (10<sup>th</sup> Dist.) (*Anderson III*).

Now, after the case proceeded to a jury trial and resulted in a **unanimous defense verdict**, the Tenth District has once again reversed by manufacturing, from whole cloth, a new standard that threatens to eviscerate the protections afforded by the common law qualified privilege from defamation liability this Court recognized in, *inter alia*, *Jacobs v. Frank*, 60 Ohio St. 3d 111 (1991) and *A&B-Abell Elevator Co. v. Columbus/Cent. Ohio Bldg. & Constr. Trades Council*, 73 Ohio St. 3d 1 (1995). See *Anderson v. WBNS-TV, Inc.*, 2024-Ohio-4880, ¶¶ 1, 34 (10<sup>th</sup> Dist.) (*Anderson IV*). In *Anderson IV*, the Tenth District concluded that this qualified privilege is inapplicable, **even on an otherwise privileged occasion**, where the defendant **negligently** published a false statement.

It did so despite acknowledging that the privilege, itself, presumes the existence of an otherwise actionable publication and is designed to foreclose defamation liability, on privileged occasions, absent clear and convincing proof that the publisher acted with

**“actual malice.”** *Id.* at ¶¶ 32, 46, 50; *Jacobs*, 60 Ohio St. 3d at 113-14 (emphasis added). The upshot is that the Tenth District effectively replaced the actual malice standard for liability that, under *Jacobs*, is supposed to apply on privileged occasions with a **negligence** standard.

If this **new** standard announced by the Tenth District was to become the law of Ohio, then the common law qualified privilege—**which is designed to foster and encourage certain speech that, by its very nature, serves the public interest**—would no longer exist. *A&B-Abell Elevator Co.*, 73 Ohio St. 3d at 8-9. For if the lack of negligence is truly a prerequisite to the privilege’s application, even on otherwise qualifying occasions, then there is no need for the heightened standard of fault invoked by the privilege because the publisher’s mere negligence (assuming the other elements of a defamation claim are established) would **always** result in liability.

That cannot and should not be the law of Ohio. Accordingly, this Court’s intervention is needed, yet again, to both quash the Tenth District’s latest attempt to re-write Ohio defamation law and to affirm the continuing validity of and heightened protection afforded to certain types of publicly-desirable speech by the common law qualified privilege that:

- (1) Arises not from the contents of the challenged publication, but from the **“occasion”** on which it is made. *Id.* at 8-9 (emphasis added);
- (2) **Assumes** the underlying publication is otherwise actionable (*i.e.*, that the defendant **negligently** published a false and defamatory statement). *Jacobs*, 60 Ohio St. 3d at 113-14; but
- (3) Nonetheless requires defamation plaintiffs to prove, in qualifying circumstances, that the defendant acted with the highest degree of constitutional fault in issuing the challenged publication because the occasion is such, and the publisher is so situated that, “it becomes ***right in***

*the interests of society* that he should tell third persons certain facts....”  
*Jacobs*, 60 Ohio St. 3d at 113-14.

In *Anderson IV*, the Tenth District **admitted** that, had it considered only the **occasion** of WBNS’ challenged CrimeTracker publications, it “would easily conclude” that WBNS was entitled to the protection afforded by the qualified privilege. *Anderson IV*, 2024-Ohio-4880, at ¶ 46. But instead, and without the benefit of a transcript of any witness testimony, it held that the trial court erred in applying the qualified privilege and instructing the jury that the Plaintiffs could only succeed upon proof of actual malice, **solely** because of what the jury found to be **negligent** inaccuracies in WBNS’ reporting of the information supplied to it by the Columbus Police Department (“CPD”). *Id.* at ¶¶ 28-50. In other words, just as it did in *Anderson I*, the Tenth District brushed aside this Court’s precedent on the applicability of the qualified privilege in, *inter alia*, *A&B-Abell* and “ultimately applied a different standard” that focuses on the **contents** of the challenged publications in determining that a publisher’s negligence precludes application of such privilege in the first instance (thereby effectively supplanting the actual malice standard that should otherwise apply in privileged circumstances). See *Anderson II*, 2019-Ohio-5196, at ¶ 13.

The Court should exercise its discretion and accept jurisdiction over this Appeal to, at minimum, reject the Tenth District’s newly-minted standard and make clear to **all** Ohioans (1) that the common law qualified privilege, and the heightened protection afforded thereby, persists; and (2) that its application—which presumes the existence of an otherwise actionable, defamatory publication—cannot be defeated by a finding of mere negligence. Otherwise, left untouched, the *Anderson IV* decision could permanently and irreparably chill Ohioans’ willingness to speak on those occasions

when the public interest the qualified privilege was designed to promote would be best served thereby.

### **STATEMENT OF THE CASE AND FACTS**

This Appeal stems from the Tenth District’s reversal of the trial court’s judgment implementing and giving effect to a **unanimous jury verdict** for the defense in a defamation action pertaining to certain on-air news stories and online publications related to an armed robbery that occurred at the former Fort Rapids Waterpark, in Columbus, Ohio, in November 2015. Plaintiffs/Appellees Aaron, Aaronana, and Arron Anderson (the “Andersons”), along with their parents (who were later dismissed), filed their complaint against WBNS on October 17, 2016. The challenged publications were part of WBNS’ “CrimeTracker 10” programming—which, as Justice Kennedy observed, was designed to aid police in seeking information from the viewing public to help solve unsolved crimes—and were derived from a press release the CPD issued to numerous media outlets in the Columbus market.

#### **A. Summary Judgment And Prior Appellate Proceedings.**

In June 2017, WBNS moved for summary judgment on all claims—although, consistent with Civil Rule 56(A), it moved only as to “part” of the Andersons’ defamation claims: negligence. On August 21, 2017, the trial court granted WBNS’ motion for summary judgment.

The Andersons and their parents appealed. However, they only pursued a single assignment of error in their briefing: “[t]he Trial Court erred in granting Appellee’s Motion for Summary Judgment on Appellants’ defamation claim where Appellants provided clear and convincing evidence of Appellee’s negligence.” On March 1, 2018, the Tenth

District reversed the trial court's grant of summary judgment—solely as to the Andersons' defamation claim(s) and solely on the issue of negligence. *Anderson I*, 2018-Ohio-761, at ¶ 16.

This Court thereafter accepted discretionary review of the *Anderson I* decision. On December 18, 2019, it vacated and remanded the Tenth District's decision, with the majority addressing only the issue of negligence and agreeing with WBNS that the Tenth District employed an incorrect legal standard. *Anderson II*, 2019-Ohio-5196, at ¶¶ 14-15.

**B. The 2023 Jury Trial And Unanimous Defense Verdict.**

Following a second reversal of the trial court's summary judgment ruling by, and remand from, the Tenth District in *Anderson III*, the trial court in September 2023 conducted a five-day jury trial on the Andersons' remaining defamation claims.

During the trial, and after (a) hearing testimony from, *inter alia*, a former WBNS employee (called by the Andersons) who was working at the station on the day of the challenged publications, as well as the Andersons' own purported "expert" on media and journalism standards, and (b) confirming that WBNS pleaded the affirmative defense of qualified privilege in its answer, the trial court determined that the occasion and circumstances of WBNS' challenged publications gave rise to a common law qualified privilege under Ohio law. In reaching that conclusion, the trial court specifically noted how the Andersons' own expert witness, who had testified about the use of crime stoppers-type press releases across the country as well as similar publications about the same incident published by other media outlets in Columbus, informed its decision:

I'm convinced as a matter of law that I've got to charge on conditional [qualified] privilege. **Mr. Fisher [the expert] was very helpful** in pointing

out that the combination of WBNS, Channel 4, Channel 6, CPD's Press Release, and his testimony about how Crime Stoppers types of media release are used around the country, this is all a matter of public importance, public interest that's a conditionally privileged subject area.

[Emphasis added.]

Accordingly, the Trial Court instructed the jury that, to prevail on their defamation claims, the Andersons had to prove by clear and convincing evidence that WBNS published the challenged statements with "actual malice"—which it correctly defined as requiring either knowing or reckless falsity. While the trial court also instructed the jury about the negligence element of a basic defamation claim, it instructed the jurors that if they found the Andersons did not sufficiently prove WBNS acted with actual malice, they could stop deliberating and enter a verdict for WBNS, without considering the issue of damages.

On September 26, 2023, the jury returned a **unanimous verdict for WBNS**, in line with its unanimous answers to a series of jury interrogatories. As reflected in those answers, the jurors found that the Andersons proved the challenged statements were false and that WBNS had acted negligently in publishing them. However, the jury unanimously concluded the Andersons failed to establish that WBNS employees acted with actual malice (i.e., that WBNS employees published the statements either with knowledge that they were false or with reckless disregard for their truth).

That same day, the trial court entered a Final Judgment (the "9/26/23 Judgment") "[c]onsistent with the jury verdicts ... in favor of defendant WBNS-TV dismissing with prejudice all claims by plaintiff Aaron Anderson, plaintiff Aaronana Anderson, and plaintiff Arron Anderson."

**C. The Andersons Appeal From The 9/26/23 Judgment But Fail To Supply The Tenth District With A Transcript Of Any Trial Testimony.**

The Andersons appealed the 9/26/23 Judgment to the Tenth District. WBNS also filed a limited cross-appeal, which challenged the trial court's decision to split costs 50-50, even though WBNS won a unanimous defense verdict.

On appeal, the Andersons asserted and argued several assignments of error, including arguments about alleged waiver and challenges to certain jury instructions given by the trial court. They also challenged the trial court's conclusion—quoted above—that WBNS was entitled to the heightened protection afforded by the common law qualified privilege.

In support of their appeal, however, the Andersons failed to order a complete transcript. Instead, they made only limited record designations, and thus, ordered only certain portions of the trial transcript for inclusion in the record on appeal. The portions designated by the Andersons **did not include a single line of witness testimony**, but rather, consisted solely of various arguments among counsel and the trial court, the reading of jury instructions and jury interrogatories, and the reading of the jury's verdict.

**D. Anderson IV.**

On October 8, 2024, the Tenth District issued its *Anderson IV* decision. In it, the Tenth District overruled all assignments and cross-assignments of error, except for the Andersons' substantive argument that the trial court erred in concluding that the qualified privilege applied and instructing the jury that proof of actual malice was required. On that point, the Tenth District agreed with the Andersons, "reverse[d] the [9/26/23] judgment ... and remand[ed] th[e] matter to [the trial] court for further

proceedings consistent with this decision and the law.” *Anderson IV*, 2024-Ohio-4880, at ¶ 52.<sup>1</sup>

In reaching that result, the Tenth District acknowledged this Court’s precedent in *A&B-Abell* and otherwise observed, among other things, that:

- “A privileged communication is one which, except for **the occasion on which or the circumstances under which it is made**, would be defamatory, and actionable.” *Id.* at ¶ 32 (emphasis added).
- “The common-law qualified privilege shields a defendant from liability when ‘society’s interest in compensating a person for loss of reputation is outweighed by a competing interest,’ including the public interest, ‘that demands protection.’” *Id.* at ¶ 33.
- “The qualified privilege **‘does not change the actionable quality of the publication,’** but it heightens the degree of fault that a plaintiff must establish to recover on a defamation claim.” *Id.* (emphasis added).
- “A defendant exceeds the qualified privilege protecting the making of defamatory statements when the defendant makes the statements with ‘actual malice,’ that is, with knowledge that the statements are false or with reckless disregard of whether they were false or not.” *Id.* at ¶ 34.
- “In determining whether an occasion is privileged ... we are not concerned with the motive of a particular defendant. ... Instead, we have to deal with the law of general averages based on human experience and must shape a general policy to deal with a general problem.” *Id.* at ¶ 42.

Nonetheless, it reversed; reasoning, in the first instance, that no transcript of witness testimony was needed to properly review the trial court’s ruling because, unbelievably, “there is no indication that the contents of [the Andersons’ expert’s] testimony affected the judge’s legal determination” as to the privilege’s applicability. *Id.* at ¶ 27 (citing the transcript page containing the trial judge’s above-quoted statement).

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<sup>1</sup> It is unclear what the contemplated further “proceedings” would entail, given that the prior jury rendered its verdict without reaching the issue of damages and was subsequently released; and the trial court’s final judgment based on that verdict has been fully “reversed.”

Then, without citing any supporting Ohio authority, the Tenth District borrowed from the separate and distinct statutory privilege codified in R.C. 2317.05<sup>2</sup> (sometimes called the “fair report privilege”) in concluding that WBNS was not entitled to protection under the **common law qualified privilege** unless its publications fairly and accurately reported the information supplied by the CPD. *Id.* at ¶¶ 49-50. Applying this newly-minted standard (which appears nowhere in this Court’s common law qualified privilege precedent), the Tenth District held that, because WBNS did not “accurate[ly]” report the exact contents of the CPD media report, the common law qualified privilege does not apply. *Id.* at ¶ 50.

That is the very same supposed inaccuracy that, in light of the trial court’s jury instructions,<sup>3</sup> led the jury to conclude that WBNS was **negligent**—but not actually malicious—in connection with the challenged publications. Thus, at bottom, the Tenth District invoked a **distinct** statutory privilege in looking at the **contents** of the challenged publications to determine that WBNS’ **negligent** “inaccura[cy]” foreclosed application of the common law qualified privilege here.

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<sup>2</sup> Inapplicable on its face here, Section 2317.05 provides: “The publication of a fair and impartial report of the return of any indictment, the issuing of any warrant, the arrest of any person accused of crime, or the filing of any affidavit, pleading, or other document in any criminal or civil cause in any court of competent jurisdiction, or of a fair and impartial report of the contents thereof, is privileged, unless it is proved that the same was published maliciously, or that the defendant has refused or neglected to publish in the same manner in which the publication complained of appeared, a reasonable written explanation or contradiction thereof by the plaintiff, or that the publisher has refused, upon request of the plaintiff, to publish the subsequent determination of such suit or action. This section and section 2317.04 of the Revised Code do not authorize the publication of blasphemous or indecent matter.”

<sup>3</sup> On negligence, and in pertinent part, the trial court instructed the jury that “[p]ublishing a story meaningfully at odds with source information issued by a government agency could be found to show lack of reasonable care or negligence by a publisher.”

## ARGUMENT IN SUPPORT OF PROPOSITIONS OF LAW

**PROPOSITION OF LAW NO. 1:** A party's negligence in publishing a false and defamatory statement does not preclude application of the common law qualified privilege. Thus, a court may not substitute the actual malice test for liability that applies under the privilege with a negligence standard by making a party's lack of negligence a prerequisite to the privilege's application.

**PROPOSITION OF LAW NO. 2:** The requirement of "fair and accurate" reporting embodied in Ohio's statutory fair report privilege is not properly considered when determining whether the common law qualified privilege applies because the former focuses on the *contents* of the challenged publication, while the latter arises from the occasion and circumstances in which the statement was published.

Under Ohio's common law, "[a] publication is conditionally or qualifiedly privileged where circumstances exist, or are reasonably believed by the defendant to exist, which cast on him the duty of making a communication to a certain other person to whom he makes such communication in the performance of such duty, or where the person is so situated that it becomes **right in the interests of society** that he should tell third persons certain facts, which he in good faith proceeds to do." *Jacobs*, 60 Ohio St. 3d at 113-14 (emphasis added); see also *Miller v. Cent. Ohio Crime Stoppers, Inc.*, 2008-Ohio-1280, ¶¶ 171-8 (10<sup>th</sup> Dist.) (holding that Crime Stoppers, Inc. was protected by qualified privilege because its communications to the public, through the Columbus Dispatch, served the "public interest" in helping the police in "reducing crime"). Because the existence of a qualified privilege hinges on the circumstances of the parties and the societal interests in the publication, it applies "even though [the publication] contains matter which, without this privilege, would be actionable." *Jacobs* at 113-14 (emphasis added).

Thus, at bottom, "[t]he [qualified] privilege arises from the necessity of full and unrestricted communication concerning a matter in which the parties have an interest or

duty, and is not restricted within any narrow limits.” *Id.* “The essential elements of a conditionally privileged communication may accordingly be enumerated as good faith, an interest to be upheld, a statement limited in its scope to this purpose, a proper occasion, and publication in a proper manner and to proper parties only. The privilege arises from the necessity of full and unrestricted communication concerning a matter in which the parties have an interest or duty, and is not restricted within any narrow limits.” *A & B-Abell*, 73 Ohio St. 3d at 8.

While the case law discussing this qualified privilege speaks of the publisher’s “good faith,” that does not mean courts inquire into the publisher’s subjective motive or intent in issuing the publication. Indeed, “[t]he issue of ‘good faith’ necessary to establish the privilege **should not be confused with the issue of ‘state of mind’ necessary to defeat it.**” *Id.* at 11 (emphasis added). Rather, “[a]ll that is necessary to entitle such communications to be regarded as privileged is, that *the relation of the parties* should be such as to afford reasonable ground for supposing an innocent motive for giving information ....” *A&B-Abell*, 73 Ohio St. 3d at 10-11 (emphasis by court).

All of this means that application of the common law qualified privilege **assumes** the existence of an otherwise actionable publication—i.e., one that is false, defamatory, and which results from the publisher’s failure to exercise reasonable care (i.e., negligence). *Jacobs*, 60 Ohio St. 3d at 113-14. It also means that questions of whether the publication is false or defamatory, or even the publisher’s negligence or state of mind, have **no bearing on the privilege’s applicability.**

Stated differently, “[a] privileged communication is one that, except for the **occasion on which or the circumstances under which it is made,** would be

defamatory and actionable.” *Id.* “Accordingly, the privilege **does not attach to the communication**, but to the occasion on which it is made. It does not change the actionable quality of the publication, but heightens the required degree of fault. This affords some latitude for error, thereby promoting the free flow of information on an **occasion** worthy of protection.” *A&B-Abell*, 73 Ohio St. 3d at 8-9 (emphasis added).

Where it applies, the qualified privilege precludes liability based on an **otherwise actionable** publication unless the plaintiff proves, by clear and convincing evidence, that the publication was made with “actual malice”—i.e., “acting with knowledge that the statements are false or acting with reckless disregard as to their truth or falsity.” *Jacobs*, 60 Ohio St. 3d at 113-14, Syllabus ¶ 2. Hence, where a false and defamatory statement is published on a privileged occasion or circumstance, mere negligence is insufficient to establish the publisher’s liability for defamation. *See, e.g., id.*

Taken together, these principles teach that—contrary to the Tenth District’s reasoning—a publisher’s negligence or mere “inaccuracy” in publication **cannot** preclude application of the qualified privilege because: (1) the privilege arises from the occasion, not the publication (or its contents); (2) the privilege presumes the existence of an otherwise actionable statement, which means it specifically applies to false and defamatory publications made **negligently**; and (3) the privilege ensures that publishers subject to its protection cannot face liability absent clear and convincing proof of actual malice.

A contrary conclusion, as in *Anderson IV*, would eviscerate this common law qualified privilege and the public interest fostered thereby by ensuring that negligence **alone** supports liability—even on occasions or in circumstances where, under this

court's precedent, an actual malice test should apply. As a result, this Court should act now to make clear that the rule announced in *Anderson IV* is not, and does not reflect, the law of Ohio.

**PROPOSITION OF LAW NO. 3: An appellate court must presume the propriety of a trial court's application of the qualified privilege where the trial court's ruling is based on witness testimony not made available to the appellate court.**

Because the applicability of the common law qualified privilege is, in essence, a mixed question of law and fact, the availability of the privilege hinges on the "occasion" of and "circumstances" surrounding the underlying publication. Here, for example, the trial court specifically identified certain expert trial testimony as "very helpful" to its conclusion that the qualified privilege applied—a statement the Tenth District mischaracterized as meaningless in a transparent effort to explain away the Andersons' failure to supply it with a transcript of such testimony.

The mixed nature of this privilege question, however, emphasizes the importance of providing the appellate court with a transcript of all testimony necessary for it to fully evaluate and determine whether the evidence actually supported the trial court's ruling. In the absence of such a transcript, an appellate court should not be permitted to guess as to the evidentiary basis for the trial court's decision or otherwise substitute its own judgment for that of the trial court without the benefit of a full factual record.

Rather, in that circumstance, an appellate court must presume the validity of, and affirm, the trial court's ruling because:

The duty to provide a transcript for appellate review falls upon the appellant. This is necessarily so because an appellant bears the burden of showing error by reference to matters in the record. .... This principle is recognized in App.R. 9(B), which provides, in part, that " ... the appellant shall in writing order from the reporter a complete transcript or a transcript of such parts of the proceedings not already on file as he deems

necessary for inclusion in the record ...” When portions of the transcript necessary for resolution of assigned errors are omitted from the record, the reviewing court has nothing to pass upon and thus, as to those assigned errors, the court has no choice but to **presume the validity of the lower court’s proceedings, and affirm.**

[Knapp, 61 Ohio St. 2d at 199-200 (emphasis added).]<sup>4</sup>

The Tenth District’s attempt to dodge this issue by mischaracterizing the basis for the trial court’s privilege ruling provides this Court with a prime opportunity to confirm that this principle applies with full force to decisions invoking/applying the common law qualified privilege from defamation liability.

### **CONCLUSION**

For these reasons, the Court should assert jurisdiction over this Appeal.

Respectfully submitted,

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<sup>4</sup> Stated differently, “[e]vidence sufficient to authorize the judgment or ruling of the lower court will be **presumed to have been received unless the record necessarily negatives it.**” Such a presumption will arise where the record neither discloses all the evidence nor contains inconsistent findings of fact.” Mikusevich v. Reed, 1981 WL 4369, \*2 (11<sup>th</sup> Dist. Apr. 20, 1981).

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was filed via the Court's Electronic Filing System and served via e-mail upon Sonia T. Walker, Calig Law Firm, LLC, 513 E. Rich St., Suite 210 Columbus, OH 43215; and Eric A Jones, Jones Law Group, LLC, 513 East Rich Street, Columbus, Ohio 43215, attorneys for Plaintiffs-Appellees, this 22nd day of November, 2024.

/s/ Marion H. Little, Jr.

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