

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ALEX GOLDMAN,

Plaintiff/Counterclaim-Defendant,

v.

CATHERINE REDDINGTON,

Defendant/Counterclaim-Plaintiff.

Case No. 1:18-cv-03662-RPK-ARL

DATE OF SERVICE: MARCH 12, 2026

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
DEFENDANT CATHERINE REDDINGTON'S
RENEWED MOTION FOR SUMMARY JUDGMENT**

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Plaintiff Alex Goldman asserts multiple counts of defamation and tortious interference with prospective economic advantage against Defendant Catherine Reddington based on statements that she made (or allegedly made) conveying that Mr. Goldman had brutally sexually assaulted her.¹

In a defamation suit, the plaintiff bears the burden of proving that the allegedly defamatory statements are false. *Leidig v. BuzzFeed, Inc.*, 371 F.Supp.3d 134, 143 (S.D.N.Y. 2019). On a record consisting of Mr. Goldman's own repeated statements that he does not remember the hours in question, the absence of witnesses confirming what took place inside Mr. Goldman's room, well-documented physical injury to Ms. Reddington, and forensic evidence confirming the presence of sperm and Mr. Goldman's DNA on the inner crotch of her shorts, Mr. Goldman cannot, as a matter of law, affirmatively prove the falsity of Ms. Reddington's sexual assault allegations.

Furthermore, Mr. Goldman cannot meet his burden of establishing fault. Under New York's substantive anti-SLAPP law, Mr. Goldman must establish by clear and convincing evidence that Ms. Reddington made her statements with actual malice. *See* N.Y. Civ. Rights L. §76-a(1)(a), (2). Alternatively, New York defamation common law requires Mr. Goldman to prove that Ms. Reddington acted with gross irresponsibility when making her statements.

Mr. Goldman cannot satisfy his burden under either standard. Despite his repeated characterization of Ms. Reddington's statements as "knowingly false," the undisputed facts establish that Ms. Reddington based her good-faith statements on reliable evidence, with sincere belief in their truth. Ex. 1, ECF No. 1, at ¶¶1, 2, 3, 4, 8, 9, 10, 14, 38, 71, 72, 76. Through medical exams, therapy, and conversations with friends and Mr. Goldman himself, Ms. Reddington made

¹ From the complaint and this Court's order on a Fed. R. Civ. P. 12(b)(6) motion (ECF No. 44), six defamation claims remain, related to the following: (1) November 17, 2017 text message to Tom Aiello; (2) May 2018 text message to Dennis Kadric; (3) June 4, 2018 Facebook posting; (4) June 4, 2018 LinkedIn posting; (5) June 5, 2018 Facebook posting to Bohler Engineering ("Bohler"); and (6) June 6, 2018 Facebook posting on the reviews page for New Jersey Institute of Technology ("NJIT"). In addition, there are two claims for tortious interference based on statements to: (8) Syracuse University, and (9) Bohler. *See* ECF No. 1, at ¶¶56, 71-79, Exs. B, C, D, E, F; ECF No. 44, at 4-5, 19.

every effort to investigate and corroborate details of her encounter with Mr. Goldman before speaking publicly. On this record, no reasonable jury could conclude that Ms. Reddington made her statements with gross irresponsibility, much less actual malice. Of course, she cannot, as a matter of law, be liable for statements that no evidence shows she made. Given these deficiencies, the Court should grant summary judgment for Ms. Reddington as to all defamation claims.

Summary judgment should likewise be granted on the tortious interference claims, which are derivative of the defamation claims and cannot survive if the underlying defamation claims are dismissed. Additionally, Ms. Reddington's statements to Syracuse University were protected by a qualified privilege, as they were made in the context of a quasi-administrative proceeding (*i.e.*, the Title IX process) and therefore are not actionable as they were given in good faith. And Mr. Goldman's tortious interference claim involving Bohler must be dismissed because he cannot prove on this record that Ms. Reddington's actions proximately caused his internship termination.

The undisputed material facts establish that Plaintiff Goldman cannot satisfy the defamation and tortious interference standards as a matter of law. Defendant Reddington is, therefore, entitled to summary judgment on all of Mr. Goldman's claims. And because the defamation claims concern matters of public concern and lack a substantial basis in fact or law, Ms. Reddington is similarly entitled to summary judgment on her Anti-SLAPP counterclaim.

STANDARD OF REVIEW

Summary judgment is appropriate if there is no genuine issue as to any material fact and the moving party is entitled to a judgment as a matter of law. Fed. R. Civ. P. 56(c); *see Hayes v. N.Y.C. Dep't of Corr.*, 84 F.3d 614, 619 (2d Cir. 1996). "Where the nonmoving party 'will bear the burden of proof at trial,' [he] bears the initial procedural burden at summary judgment of demonstrating that undisputed facts 'establish the existence of [each] element essential to that party's case.'" *Coleman v. Grand*, 523 F. Supp.3d 244, 253 (E.D.N.Y. 2021) (citing *Celotex Corp.*

v. Catrett, 477 U.S. 317, 322-23 (1986)). To defeat summary judgment, the nonmoving party must come forward with “specific facts showing that there is a genuine issue for trial.” *Sista v. CDC Ixis N. Am., Inc.*, 445 F.3d 161, 169 (2d Cir. 2006) (quoting Fed. R. Civ. P. 56(e)). A party may not “rely on mere conclusory allegations nor speculation, but instead must offer some hard evidence showing that [his] version of the events is not wholly fanciful.” *D’Amico v. City of New York*, 132 F.3d 145, 149 (2d Cir. 1998). “[S]ummary judgment is particularly favored . . . in libel cases.” *Khan v. N.Y. Times Co.*, 710 N.Y.S. 41, 44 (App. Div. 2000); *see also Coleman*, 523 F.Supp.3d at 255 (observing that in deciding issues of fault and falsity, “summary judgment on libel claims has ‘particular value’ in avoiding the ‘chilling effect of protracted litigation’”) (citing *Immuno AG v. Moor-Jankowski*, 567 N.E.2d 1270, 1282 (1991)).

ARGUMENT

I. PLAINTIFF’S DEFAMATION CLAIMS FAIL AS A MATTER OF LAW

To establish libel² under New York law, a plaintiff must prove five elements: “(1) a written defamatory factual statement [of and] concerning the plaintiff; (2) publication to a third party; (3) falsity of the defamatory statement; (4) fault; and (5) special damages or per se actionability.” *See Ctr. for Med. Progress v. Planned Parenthood Fed. of Am.*, 551 F.Supp.3d 320, 326 (S.D.N.Y. 2021) (citing *Chau v. Lewis*, 771 F.3d 118, 126-27 (2d Cir. 2014)). The first element has four parts: “there must be (A) a writing, it must be (B) defamatory, it must be (C) factual—that is, not opinion—and it must be (D) about the plaintiff.” *Chau*, 771 F.3d at 127.

Mr. Goldman’s defamation claims cannot survive summary judgment for multiple, independently sufficient reasons. Chiefly, Mr. Goldman cannot prove the falsity of the challenged statements—namely, that he sexually assaulted Ms. Reddington—considering the undisputed

² Defamation in written form is libel. *Greene v. Paramount Pictures Corp.*, 340 F.Supp.3d 161, 168 (E.D.N.Y. 2018).

forensic and physical evidence, combined with Mr. Goldman's own admissions. Furthermore, the evidence shows that many of Ms. Reddington's allegedly defamatory statements were either never made by Ms. Reddington or are not defamatory as a matter of law. Finally, Mr. Goldman cannot prove that Ms. Reddington made her statements with gross irresponsibility, let alone with actual malice, given the undisputed material facts.

A. Mr. Goldman Cannot Meet His Burden to Prove Falsity

Plaintiff's core contention is that Ms. Reddington defamed him by falsely suggesting that he had raped her. Summary judgment is appropriate because Mr. Goldman cannot prove by a preponderance of the evidence³ that Ms. Reddington's challenged statements were false.

"If an allegedly defamatory statement is 'substantially true,' a claim of libel is legally insufficient and ... should be dismissed." *Biro v. Conde Nast*, 883 F.Supp.2d 441, 458 (S.D.N.Y. 2012) (citations omitted). Importantly, the plaintiff in a defamation suit bears the burden of establishing falsity. *Leidig*, 371 F.Supp.3d at 143. Moreover, minor inaccuracies will not suffice to establish falsity. *Blair v. Inside Edition Prods.*, 7 F.Supp.3d 348, 357 (S.D.N.Y. 2014). This means that Ms. Reddington has nothing to prove with regard to the defamation claims against her: Mr. Goldman alone bears the burden of proving that he did not sexually assault her. He cannot.

As an initial matter, the uncontested record evidence is that Mr. Goldman has consistently claimed to have "no memory" of what occurred between himself and Ms. Reddington while they were in his room. Ex. 7 at 48:17-18; 48:23-49:3; 97:8-24; 98:3-4; 110:18-24; 135:15-17; 139:7-11; 152:22-23; 188:17-21; 200:1-14; *see also* Ex. 1, ECF No. 1, at ¶¶5, 16. Thus, the issue of what happened to Ms. Reddington while with Mr. Goldman is not a "he-said-she-said" factual dispute;

³ As noted by the court in *Leidig*, "[t]he Supreme Court has not yet expressed a view on whether the element of falsity must be established by clear and convincing evidence or by a preponderance of the evidence." 371 F.Supp.3d at 143 n.1. As discussed herein, however, Mr. Goldman cannot meet either burden given the record evidence.

Mr. Goldman has not presented any evidence or testimony to support a counter-narrative that challenges or even explains the significant physical and psychological injuries that Ms. Reddington sustained while with him. Nor, by his own admission, can he do so. Instead, Mr. Goldman has offered generalized denials, unsupported by competent evidence, and has attacked Ms. Reddington's credibility. That is insufficient as a matter of law to overcome summary judgment. *See, e.g., Leidig*, 371 F.Supp.3d at 144 (granting summary judgment where plaintiffs provided no evidence, apart from generalized denials, that the statements being challenged were false).

But there is more than his persistent inability (or refusal) to provide any details regarding what happened in his room on April 23, 2017. Indeed, the uncontested circumstantial, physical, and forensic evidence raises an insurmountable inference of non-consensual sexual contact that, as a matter of law based on the record before this Court, Mr. Goldman is unable to dispel.

First, though he claims to have no memory of the relevant events, Mr. Goldman does not deny that he and Ms. Reddington were in his room together for approximately ten hours, and that they woke up in the same bed. Ex. 8 at 271:21-272:20; Ex. 7 at 202:14-22. Second, the record is uncontested that Ms. Reddington was physically unharmed before entering Plaintiff's room. Ex. 17; Ex. 13 at GOLDMAN001541. When she left, Ms. Reddington had contusions on her head, bruises on her body, and a splinter in her shoulder. Ex. 17; Ex. 13 at GOLDMAN001541. Her clothing had been torn and stained by bodily fluids, and a sexual assault exam revealed lacerations to her labia and vaginal tenderness. *See* Ex. 13 at REDDINGTON007810; Ex. 14, ¶15.

Moreover, the forensic evidence developed by private laboratory Bode Technology ("Bode") from Ms. Reddington's clothing confirmed the presence of sperm on the inner crotch of

both her shorts⁴ and her leotard. *See* Ex. 40 at REDDINGTON007205. It also confirmed the presence of male DNA on Ms. Reddington's underwear, leotard, and shorts. *See* Ex. 41 at pgs 1-3; Ex. 40 at REDDINGTON007205-06. Mr. Goldman's DNA was identified within the sperm fraction of the sample collected from the inner crotch of the shorts. Ex. 41 at pgs 2-3.

Mr. Goldman has consistently maintained that "at no point" did he ever put his hands in Ms. Reddington's shorts when they were together. Ex. 7 at 202:22-23; 134:25-135:2; 138:20-22; 139:20-23. But Mr. Goldman's DNA is on the inside crotch of Ms. Reddington's shorts. As a Bode report indicates, the "DNA profile previously obtained from the sperm fraction (SF) of [the sample from the shorts] is consistent with a mixture of three individuals, including at least one male contributor." Ex. 41 at pg. 2. The forensic report from Bode further concludes, "[a]ssuming a mixture of three individuals, this mixture DNA profile obtained is at least 7.6 quadrillion times more likely to be observed if it originated from Alex Goldman, Catherine Reddington and one unknown, unrelated individual than if from Catherine Reddington and two, unknown, unrelated individuals." *Id.* at 2.⁵ "This statistical result provides very strong support for inclusion," the highest likelihood ratio available on Bode's scale. *See id.* at 3.⁶

Given Mr. Goldman's sworn testimony that he has no recollection of the morning of April 23, 2017, combined with Ms. Reddington's physical injury and the forensic evidence, no reasonable jury could find Ms. Reddington's alleged defamatory statements to be provably false.

⁴ Plaintiff and Gabriella Gazzillo (who lent Ms. Reddington the shorts she was wearing) both testified that there would be no reason for Mr. Goldman's sperm to be on the shorts, as neither of them had ever previously engaged in sexual contact with Mr. Goldman. *See* Ex. 5, at ¶8; Ex. 6 at 75:24-76:6; 34:24-25; Ex. 7 at 345:10346:24.

⁵ Plaintiff's likely argument that the DNA of two males in the mixture precludes summary judgment is of no moment. Plaintiff cannot refute that his DNA is present in the sperm fraction recovered from inside Ms. Reddington's shorts.

⁶ The Bode report also notes that "[a] partial Y-STR profile was previously obtained from the sperm fraction (SF) of [the sample taken from Ms. Reddington's underwear], and that "[d]ue to the limited data obtained, Alex Goldman cannot be included or excluded as a possible contributor of the partial Y-STR profile obtained from the sample listed above." *Id.* at 2 (emphasis added). In other words, although the sample provided an inadequate basis for Bode to make a determination that Mr. Goldman's DNA was included within the mixture, Bode was unable to exclude the possibility that Mr. Goldman's DNA was, in fact, present in the mixture.

B. Mr. Goldman Cannot Prove That Ms. Reddington Acted with Requisite Fault When Publishing Her Social Media Statements and Text Messages

i. New York's Amended Anti-SLAPP Statute Applies to this Action and Mr. Goldman Must Establish Ms. Reddington Acted with Actual Malice

New York's 2020 anti-SLAPP amendments include three key components. First, §70-a(1) allows defendants in actions involving "public participation" to maintain counterclaims and to recover damages from any person who commenced or continued an unsupportable action. *See* N.Y. C.R. Law §70-a(1). Second, §70-a(1)(a) further modifies the plaintiff's burden in such actions to require a "substantial basis in fact and law," granting damages to defendants when that burden is not met. Third and separately, §76-a(2) defines "public participation" broadly and adopts actual malice as the standard of fault for claims relating to such activities. *See* N.Y. C.R. Law §76-a(2). More specifically, §76-a provides that a plaintiff may not recover damages in an action premised on "public participation" (a communication about an issue of "public interest") unless he can establish by "clear and convincing evidence" that the communication was made "with knowledge of its falsity or with reckless disregard of whether it was false."⁷

Here, Ms. Reddington's statements, across her four posts, are undisputedly matters of public interest.⁸ They cover sexual assault on college campuses, the stigma and trauma of reporting sexual assaults to law enforcement, the workings of the justice system for survivors, the prevention of future assaults, and the importance of corporations and universities taking a stand against sexual violence. Ex. 31; Ex. 1, ECF No. 12, PageID #: 44; Ex. 1, ECF No 1-2, PageID #: 46. These topics

⁷ §76-a(1)(a) articulates the standard of fault for actions involving public participation as "knowledge of its falsity or reckless disregard of its falsity." That standard is tantamount to "actual malice." *See* N.Y. *Times Co. v. Sullivan*, 376 U.S. 254, 280 (1964). Thus, these terms may be used interchangeably.

⁸ In addition to §76-a(1)(a)(2), subsection (1)(a)(1) of the same provision also applies to three of Ms. Reddington's statements on Facebook and LinkedIn because each concerned the public interest and was made "in a place open to the public or a public forum." *See* §76-a(1)(a)(1); *see also* *Coleman*, 523 F.Supp.3d at 266 (finding "Facebook is a public forum within the meaning of New York's anti-SLAPP law"); *Ctr. for Med. Progress*, 551 F.Supp.3d at 332 (concluding Twitter post is open to the public under the New York anti-SLAPP law).

are all central to the broader #MeToo movement. *See Coleman*, 523 F.Supp.3d at 259-60, *aff'd on other grounds*, 158 F.4th 132 (2d Cir. 2025), (holding that where the defendant “clearly frames” statements as “her contribution to the larger discussions occurring at the time of the #MeToo movement,” it is a matter of public concern); *Elliott v. Donegan*, 469 F.Supp.3d 40, 53 (E.D.N.Y. 2020) (“#MeToo is used today as short-hand for larger discussions regarding consent, power, or sex.”); *Satanic Temple, Inc. v. Newsweek Magazine LLC*, 774 F.Supp.3d 688, 699-700 (S.D.N.Y. 2025) (finding that statements about sexual abuse are public interest issues given #MeToo movement and growing public activism). As such, this Court previously found that the magistrate judge made no clear error “in determining that [Ms. Reddington’s] posts concerned more than a purely private matter.” ECF No. 127, PageID #: 1687.

Consequently, two questions remain for this Court: whether New York’s amended anti-SLAPP law—particularly the actual malice standard—applies in federal court, and whether it applies retroactively. The answer to both questions is yes.

1. *The Anti-SLAPP Law’s Substantive Components Apply in Federal Court*

Under the *Erie* doctrine, federal courts sitting in diversity apply state substantive law. *Erie R. Co. v. Tompkins*, 304 U.S. 64 (1938). New York federal courts have found that the substantive components of the anti-SLAPP amendments apply in federal court. *See Satanic Temple*, 774 F.Supp.3d at 699-700 (holding a federal court sitting in diversity is “governed by the substantive law of the state, including the substantive provisions of the New York anti-SLAPP law”). In particular, §76-a of New York’s anti-SLAPP law is “manifestly substantive.” *Coleman*, 523 F.Supp.3d at 258, *aff'd on other grounds*, 158 F.4th 132 (2d Cir. 2025). Therefore, §76-a(2)’s actual malice standard applies in federal diversity actions such as this.

Although New York’s anti-SLAPP statute contains both substantive and procedural elements, courts determining the applicability of anti-SLAPP provisions look to whether the *specific* provision to be applied is substantive or procedural in its effect. *See, e.g., Heilbut v. Cassava Sciences, Inc.*, 778 F.Supp.3d 551, 569 (S.D.N.Y. 2025); *Button v. N.Y. Times Co.*, No. 1:24-CV-05888-MKV, 2025 WL 2643674, at *20-21 (S.D.N.Y. Sep. 15, 2025). In *Heilbut*, the court held that §70-a’s modified evidentiary standard did not conflict with any federal rule when used as “a substantive standard for entitlement to [damages].” 778 F.Supp.3d at 569.

Here, the *specific* provision of anti-SLAPP applied to Mr. Goldman’s defamation claims is substantive, not procedural. §76-a(2) defines an action involving “public interest,” and clarifies that a plaintiff must satisfy the actual malice standard to recover accompanying damages. These elements are both fundamentally substantive. *See, e.g., Bobulinski v. Tarlov*, 758 F.Supp.3d 166, 177-79 (S.D.N.Y. 2024) (applying the actual malice standard in a diversity action); *Kesner v. Buhl*, 590 F.Supp.3d 680, 693 (S.D.N.Y. 2022) (finding that §76-a applies in diversity actions); *see Palmer v. Hoffman*, 318 U.S. 109, 117 (1943) (holding a law setting a burden of proof is “a question of local law” which federal courts sitting in diversity must apply). Therefore, because §76-a(2) establishes the substantive fault standard for cases involving issues of public interest, that provision of New York law must apply in federal court.

2. *The Anti-SLAPP Amendment’s Actual Malice Requirement Applies*

It remains an open question whether §76-a’s actual malice standard applies retroactively. *See Watson v. NY Doe 2*, No. 19 Civ. 533 (DEH), 2025 WL 2662306 at *11 n.19 (S.D.N.Y. Sep. 17, 2025) (“To be sure, neither the New York Court of Appeals nor the Second Circuit has explicitly decided whether the anti-SLAPP statute’s [actual malice standard] ... applies to actions, like this one, that were pending at the time of amendment.”); *see Gottwald v. Sebert*, 40 N.Y.3d 240, 257 (2023) (concluding that the counterclaim and damages components of the amendments

to §70-a(1) and (1)(a) were not retroactive, but declining to “address whether [§76-a(2)’s actual malice standard] applies to actions pending at the time of its enactment.”).

Still, district courts in this Circuit have held that the actual malice component is retroactive. *See Sweigert v. Goodman*, 2021 WL 1578097, at *2 (S.D.N.Y. Apr. 22, 2021) (“[C]ourts that have addressed the issue have determined that §76-a should be given retroactive effect.”); *Palin v. N.Y. Times Co.*, 510 F.Supp.3d 21, 27 (S.D.N.Y. 2020), *vacated and remanded on other grounds*, 113 F.4th 245, 263 n.8 (2d Cir. 2024) (same); *Ctr. for Med. Progress.*, 551 F.Supp.3d at 332 n.3 (same); *Coleman*, 523 F.Supp.3d at 258, *aff’d on other grounds*, 158 F.4th at 136 n.1 (same); *but cf. VIP Pet Grooming Studio, Inc. v. Sproule*, 203 N.Y.S.3d 681, 689-90 (App. Div. 2024) (holding that the amended anti-SLAPP actual malice standard did not overcome the presumption of prospective legislation). Based on principles of statutory interpretation, this Court should similarly find that §76-a(2)’s actual malice fault standard applies retroactively to Mr. Goldman’s claims.

Two overarching principles of statutory interpretation govern retroactivity: (1) remedial legislation should be given retroactive effect to effectuate its beneficial purpose, and (2) amendments are presumed to have prospective application unless the Legislature’s preference for retroactivity is otherwise clearly indicated. *In re Gleason (Michael Vee, Ltd.)*, 749 N.E.2d 724, 726 (N.Y. 2001) (citations omitted); *accord, e.g., Majewski v. Broadalbin-Perth Cent. Sch. Dist.*, 696 N.E.2d 978, 980 (N.Y. 1998). Applying these principles and additional relevant factors, the 2020 Anti-SLAPP amendment’s substantive standard of fault was plainly intended to apply retroactively to pending cases.

The testimony of State Senator Hoylman—the amendments’ co-author and sponsor—reveals the legislature’s desire to give the amendments retroactive effect to effectuate their purpose. Senator Hoylman filed an amicus brief in *Gottwald* stating that he “intended for the

statute, as amended, to apply to all cases pending at the time of enactment, with retroactive application.” Amicus Brief of Sen. Brad Hoylman, at 3, 16, n.8 (attached as Exhibit D to the Musumeci Decl.). He explained that “overhaul[ing]” the legislation to “take immediate effect for all SLAPP suits pending at the time” would clear dockets of “meritless and abusive litigation” offending free speech rights. *Id.* at 10; *see also id.* at 16, n.8. Senator Hoylman explicitly explained that the actual malice standard was meant to apply retroactively because it is an “essential mechanism by which court dockets are cleared of meritless suits.” *Id.* at 16, n.8.

The New York legislature further indicated its preference that the anti-SLAPP amendments apply retroactively by eliminating draft language that would have limited the amendments’ scope. *Cf. Majewski*, 696 N.E.2d at 982 (finding that removal of retroactivity language from a draft evinces the legislature’s intent for law to apply prospectively only). A prior version of the 2020 amendments expressly provided that the act “*shall apply to actions commenced on or after such date.*” N.Y. Senate Bill S52 (Jan. 9, 2019), § 3 (emphasis added) (attached as Ex. B to the Musumeci Decl.); N.Y. Assembly Bill A5991 (Feb. 26, 2019), § 3 (emphasis added) (attached as Ex. C to the Musumeci Decl.). The Legislature removed that provision before passage—demonstrating that on consideration, it expressly eliminated language giving the amendments prospective-only application. *See Pajak v. Pajak*, 437 N.E.2d 1138, 1139 (N.Y. 1982) (observing, “[t]he failure of the Legislature to include a matter within a particular statute is an indication that its exclusion was intended”).

Additional factors further support retroactive application. *See Gleason*, 794 N.E.2d at 726 (listing additional factors). First, the Legislature’s directive that the amendments “take effect immediately” conveyed a “sense of urgency.” *Gottwald v. Sebert*, 165 N.Y.S.3d 38, 39 (App. Div. 2022). Second, the amendments were designed to correct courts’ unintentionally narrow

interpretation of the defendants to whom the 1992 Anti-SLAPP law applied. *See, e.g.*, Legislative Press Release (attached as Ex. G to Musumeci Decl.). And third, the amendments’ sponsors explained that the 2020 Act expanded the law to “better advance the purposes that the Legislature originally identified”—namely, securing “the utmost protection for the free exercise of speech.” Letter of Assemblywoman Helene Weinstein to Gov. Andrew Cuomo (Sept. 23, 2020) (included within Bill Jacket (Musumeci Decl. Ex. E)); Hoylman Sponsor Memo (Musumeci Decl. Ex. F); L. 1992, Ch. 767, § 1. Taken together, these factors support that the Legislature meant for the 2020 amendments to apply retroactively, particularly with respect to the substantive burden of proof.

Further, holding Mr. Goldman to the actual malice standard is wholly consistent with his own pleading. The complaint effectively adopted the actual malice standard by making at least 15 references to Ms. Reddington having made “knowingly false” statements. *See* Ex. 1, ECF No. 1 at ¶¶1, 2, 3, 4, 8, 9, 10, 14, 38, 71, 72, 76. In denying Ms. Reddington’s motion to dismiss, Judge Mauskopf relied on those allegations of fault, noting that the “complaint repeatedly alleges that [she] ‘knowingly’ and intentionally made false statements.” ECF No. 44 at 14. Plaintiff pled the actual malice standard and would therefore not be prejudiced by the Court’s application of the actual malice standard under the Anti-SLAPP amendments. Similarly, he cannot change his theory of the case at the summary judgment stage. *See Krause v. Kelahan*, 161 F.4th 66, 96 n.27 (2d Cir. 2025) (quoting *New Hampshire v. Maine*, 543 U.S. 742, 749 (2001)) (“Defendants’ shifting positions [] directly implicate[d] the policy concern underlying judicial estoppel—the need to ‘protect the integrity of the judicial process by prohibiting parties from deliberately changing positions according to the exigencies of the moment.’”).

ii. At a Minimum, Plaintiff Has the Burden to Prove Gross Irresponsibility

Even if this Court declines to apply the anti-SLAPP amendment’s actual malice standard (as Plaintiff himself pled), Mr. Goldman bears the burden of proving Ms. Reddington acted with

gross irresponsibility when making her statements. Under New York law, gross irresponsibility governs in defamation cases where the content of the challenged statements falls “arguably within the sphere of legitimate public concern, which is reasonably related to matters warranting public exposition.”⁹ See *Albert v. Loksen*, 239 F.3d 256, 269 (2d Cir. 2001) (quoting *Chapadeau v. Utica Observer-Dispatch*, 341 N.E.2d 569, 571 (N.Y. 1975)). New York courts interpret public concern “extremely broad[ly],” deferring to publishers’ judgments absent clear abuse. See *id.*; *Weiner v. Doubleday & Co., Inc.*, 549 N.E.2d 453, 456-57 (NY. 1989). There is no reasonable dispute that Ms. Reddington’s statements about sexual violence and its aftermath in the wake of the #MeToo movement fall within the sphere of legitimate public concern. See Section I.C.i.1., *supra*.

At trial, Mr. Goldman must therefore prove by a preponderance of the evidence that Ms. Reddington “acted in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties.” See *Loksen*, 239 F.3d at 269 (quoting *Chapadeau*, 341 N.E.2d at 571). Based on the undisputed evidence, no reasonable jury could find that she did.

iii. Under Either Standard, Mr. Goldman Cannot Prove Ms. Reddington Made Her Social Media Statements with the Requisite Fault

To sustain his defamation claims concerning the four public social media posts in his complaint, the anti-SLAPP statute requires Plaintiff to establish by clear and convincing evidence that Ms. Reddington made each statements with actual malice, meaning knowledge of their falsity or reckless disregard for their truth. See Section I.C.i., *supra*. Alternatively, if the amended anti-SLAPP law is not applied, Mr. Goldman must prove by a preponderance of the evidence that Ms. Reddington was grossly irresponsible, having published her statements without duly considering

⁹ Absent direction from the New York Court of Appeals, the Second Circuit has explicitly held that the gross irresponsibility standard applies to non-media defendants. See *Loksen*, 239 F.3d at 269 (acknowledging that the gross irresponsibility standard “also governs suits by private plaintiffs ... against non-media defendants[.]”).

the standards that responsible parties follow when gathering and sharing information. *See* Section I.C.ii., *supra*. In practice, this means that Ms. Reddington must have based her statements on “a reliable source” to avoid liability. *Shuman v. N.Y. Mag.*, 179 N.Y.S.3d 651, 652 (App. Div. 2022).

On this record, no reasonable jury could conclude that Ms. Reddington spoke with gross irresponsibility, much less actual malice. Ms. Reddington took every reasonable step to investigate and corroborate the truth about Mr. Goldman’s assault on her before speaking publicly. This search for answers far exceeds “the standards of information gathering and dissemination” required to avoid liability under the gross irresponsibility standard. *See Chapadeau*, 341 N.E.2d at 571. It instead evinces painstaking efforts to gather reliable information about events that Mr. Goldman claims to have forgotten. *Cf. Shuman*, 179 N.Y.S.3d at 651 (explaining that “[t]he gross irresponsibility standard ... does not require exhaustive research nor painstaking judgments[.]”).

The statements at the center of Mr. Goldman’s claims concern the events and aftermath of April 23, 2017, when Ms. Reddington awoke next to Mr. Goldman, physically bruised and lacerated, confused about where she was and how she got there, and in clothing that had been torn and stained by blood and bodily fluids. *See* Ex. 13 at REDDINGTON007810; Ex. 14, ¶15. Uncontested evidence and testimony confirm that Mr. Goldman was with Ms. Reddington in his room at the DKE fraternity house from approximately 12:30 a.m. until Ms. Reddington left at approximately 10:30 a.m. Ex. 8 at 271:20-272:4; Ex. 10 at GOLDMAN001246; Ex. 7 at 207:1-3. Before she entered his room, she was intoxicated from alcohol but was otherwise physically unharmed; when she left, Ms. Reddington had painful bumps on her head, bruises on her body, and a splinter in her shoulder. Ex. 17; Ex. 13 at GOLDMAN001541. Ms. Reddington felt severe pain and gassiness in her vaginal and anal areas and felt like she had been penetrated. *Id.* She was

groggy and unsteady on her feet, lacked any memory as to what had happened to her, could not think clearly, and thought she may have been drugged. *Id.*

Upon her return home, Ms. Reddington immediately began her search for answers concerning what had happened to her. She raised questions with her friends via conversations and text messages. *See* Declaration of Catherine Reddington (“Reddington Decl.”) ¶¶4-6 and Exs. 18-20. The next day, she sought medical attention and underwent an invasive Sexual Assault Nurse Examiner (“SANE”) exam, where she learned that she had sustained two lacerations to her labia and had such tenderness to her vagina that the examiner had to stop her pelvic exam. Exs. 13 and 14. She agreed to take morning-after contraceptives and medications to prevent the risk of sexually transmitted diseases. Ex. 22. She confronted Mr. Goldman to try to ascertain what had happened. Ex. 23 at GOLDMAN000780.

All the initial evidence Ms. Reddington gathered supported the conclusion that Mr. Goldman had sexually assaulted her. She nevertheless took further steps to corroborate this belief. Shortly after her conversation with Mr. Goldman, she filed sexual assault complaints with the Syracuse Police Department and Syracuse University. Ex. 10 and Ex. 23 at GOLDMAN000771. She cooperated fully with the investigations of the police and the Onondaga County District Attorney (“OCDA”), including agreeing to participate in a “controlled call” with Mr. Goldman that a detective orchestrated.¹⁰ Ex. 24 at REDDINGTON007204. *See also* Ex. 12 at 137:11-138:10; 138:17-25; 330:7-331:2. She sought medical care for traumatic injuries to her head and anus, as well as counseling for dissociation and post-traumatic stress—all actions of someone who reasonably believes she was sexually assaulted. *See generally* Exs. 42-45.

¹⁰ On the controlled call, Plaintiff apologized to Ms. Reddington, claimed to have no memory of what had happened between them, reassured her that he kept condoms next to his bed and did not have STDs, and said he had stopped drinking because of his fear “that anything of this caliber” could have happened. *See* Reddington Decl., ¶7, Ex. 24.

Ms. Reddington eventually obtained additional reliable information that validated her belief that Mr. Goldman had raped her and necessarily negates any suggestion of gross irresponsibility. For example, in November 2017, after an extensive investigation and student conduct hearing, Syracuse University found by a preponderance of the evidence that “[i]njuries to [Ms. Reddington] occurred as a result of unwanted sexual contact caused by [Mr. Goldman] inserting an unknown object (finger, penis, or other unknown item) into [Ms. Reddington’s] vagina.” Ex. 29 at GOLDMAN000643-644; *see Kamfar v. New World Restaurant Group, Inc.*, 347 F.Supp.2d 38, 47 (S.D.N.Y. 2004) (“[R]eliance on a thorough, responsible investigation negate[s] the existence of gross irresponsibility as a matter of law.”). Syracuse University then expelled Plaintiff. Ex. 30. By the time she posted her statements, Ms. Reddington had learned through trusted sources of two other Syracuse University students whom Mr. Goldman had allegedly also raped. Ex. 8 at 37:16-23; 39:12-40:10; 50:20-52:22; *see also* Ex. 32 at REDDINGTON7132; *Shuman*, 179 N.Y.S.3d at 653 (“A publisher’s obligation [under the gross irresponsibility standard] is to base its story on a reliable source.”). And, in the months after the assault and with the support of therapy, Ms. Reddington started having fragmented traumatic memories of being penetrated in Mr. Goldman’s room, cementing her certainty that he had raped her. Ex. 8 at 203: 6-10; 208:16-18; 209:15-17; 211:24-212:17; 213:3-8; 214:2122; 308:4-5; 464:5-7; *see Coleman*, 523 F.Supp.3d at 263 n.4 (concluding that a survivor who relied on personal experience when accusing a former partner of sexual harassment was not grossly irresponsible).

By the time Ms. Reddington made her first social media statement on June 4, 2018, she had accumulated over a year’s worth of reliable evidence from multiple sources that universally confirmed Mr. Goldman had raped her—eliminating the possibility that any reasonable jury could conclude that she acted with gross irresponsibility. *Cf. Gaeta v. New York News, Inc.*, 465 N.E.2d

802, 806 (N.Y. 1984) (holding that a reporter who relied on partial first-hand corroboration and a single dependable third-party source was not grossly irresponsible).

For the same reasons, no reasonable jury could conclude that Ms. Reddington made her statements with actual malice, a *higher* bar than gross irresponsibility. Far from demonstrating a “reckless disregard for the truth,” the undisputed record shows a young woman with a sincere desire to find it. Further, as private text messages exchanged between Ms. Reddington and her sister demonstrate, Ms. Reddington objectively believed the truth of her statements when she posted them on social media in June 2018. Reddington Decl. ¶9 and Ex. 36. Mr. Goldman himself has acknowledged on multiple occasions that Ms. Reddington believed sincerely that he had sexually assaulted her. Ex. 7 at 320:25-321:1; 322:4-6.

Any one of these facts provides a sufficient basis to conclude that Ms. Reddington did not possess any level of fault with respect to making the challenged statements about Mr. Goldman raping her. Together, these facts provide overwhelming and insurmountable evidence that Ms. Reddington did not make her statements with gross irresponsibility or actual malice.¹¹

To the extent that Mr. Goldman challenges those portions of Ms. Reddington’s posts accusing Mr. Goldman of sexually assaulting others, Mr. Goldman likewise cannot establish any fault based on the record. To the contrary, Ms. Reddington had a reliable basis on which to believe in the truth of her statements about Plaintiff sexually assaulting others.

¹¹ Mr. Goldman will no doubt point to statements Ms. Reddington initially made expressing confusion and lack of memory about what had happened to her to suggest that she could not have had a good faith belief in the truth of her statements that he raped her. That argument has no merit, as the uncontested facts make clear that Ms. Reddington immediately understood that while with Mr. Goldman in his room, he subjected her to sexual contact to which she had not consented, and she suffered physical trauma to her body and mental trauma that affected her memory. While she may have initially hoped for an innocent explanation, she knew immediately something was “just not adding up.” Ex. 20 at REDDINGTON005121-5137. Indeed, her very questions, her injuries, and her consistent subsequent conduct make clear that she sincerely believed—and reasonably so—that Mr. Goldman had raped her.

Prior to making the social media postings, Ms. Reddington heard from classmates about two different women whom Mr. Goldman sexually assaulted at Syracuse University. Ex. 8 at 37:16-23; 39:12-40:10; 50:20-51:13. From a friend and sorority sister, Ms. Reddington learned that Plaintiff previously sexually assaulted a particular classmate. *See id.* at 50:20-52:22; Ex. 32 at REDDINGTON7132. Ms. Reddington found this information to be reliable because she knew and trusted her source, and because that source was then classmate's close friend and roommate. *See* Ex. 8 at 37:16-23; 39:12-40:10; 50:20-51:13. In fact, that information was reliable; the classmate was deposed and confirmed under oath that Mr. Goldman did rape her. Ex. 33 at 57:4-23; 59:3-12; 72:4-7; 76:2-7; 76:17-23; *see also* Ex. 34. That classmate further testified that she shared the story of being sexually assaulted by Mr. Goldman with her friends and roommates. Ex. 33 at 49:11-15; 49:22-50:14; 82:17-20; 88:24-89:12; 95:20-25.

Mr. Goldman has elicited no evidence challenging that Ms. Reddington had a good faith basis to believe in the truth of her statement, other than his self-serving blanket denials that he ever sexually assaulted anyone. And Ms. Reddington's decision to discredit those denials is not evidence of fault. *See Shuman*, 179 N.Y.S.3d at 653 (“[D]efendants’ decision to credit sources other than plaintiffs’ blanket denials is no indication of gross irresponsibility, but instead a provident exercise of defendants’ editorial discretion.”).

No reasonable jury could find, by a preponderance of the evidence, that Ms. Reddington was grossly irresponsible in making statements that were extensively supported by personal experience and reliable third-party sources. Nor could a reasonable jury find, by clear and convincing evidence, that Ms. Reddington's statements were made with actual malice. The Court should therefore grant summary judgment.¹²

¹² This Court has concluded that determinations of gross irresponsibility and actual malice are both suitable for summary judgment. *See Rubenstein v. Manhattan Bronx Surface Operating Auth.*, No. CV-96-902, 1997 WL 833456,

iv. Mr. Goldman Cannot Prove That Ms. Reddington Acted with Requisite Fault When She Sent Text Messages to Fraternity Members.

Mr. Goldman also alleges defamation as to two text messages that he claims Ms. Reddington sent to Tom Aiello and Dennis Kadric. Although these were private text messages and not postings published broadly, they relate to Plaintiff's contention that Ms. Reddington defamed him by saying he had raped her. *See* Ex. 1, ECF No. 1, at ¶56(a), (b), Ex. B. The alleged text to Mr. Kadric called Mr. Goldman a "monster,"¹³ while Ms. Reddington's message to Mr. Aiello criticized fraternity members for supporting Mr. Goldman, lying in the Title IX investigation, and allowing Mr. Goldman to continue living at the DKE house. Ex. 1, ECF No. 1, ¶56(a).

Regardless of what standard of fault applies, no reasonable jury could conclude that Ms. Reddington possessed the requisite fault in making her statements to Mr. Aiello. In addition to the reasons previously set forth, Ms. Reddington sent the text message just two days after Syracuse University's investigation concluded that Mr. Goldman had sexually assaulted her. Exs. 29-30. Plaintiff, therefore, cannot establish by a preponderance of the evidence that her statements to Mr. Aiello were made with any level of fault.

C. Ms. Reddington Cannot Be Held Liable for the Two Allegedly Defamatory Statements That She Did Not Make

Summary judgment should further be granted as to two of the allegedly defamatory statements that discovery showed Ms. Reddington did not make.

First, Mr. Goldman alleged that in May 2018, Ms. Reddington sent Dennis Kadric a text message "in which Defendant referred to Mr. Goldman as a 'monster.'" (ECF No. 1, at ¶56(b).) Even if calling someone a "monster" could constitute actionable defamation—and on this record,

at *7 (E.D.N.Y. Oct. 8, 1997) (deciding case on gross irresponsibility grounds at the summary judgment phase); *Coleman*, 523 F.Supp.3d at 260 (stating actual malice determinations are suitable for summary judgment).

¹³ As set forth in Section I.C, *infra*, Plaintiff's claims regarding the Kadric text message should be dismissed, most notably because Plaintiff has produced no competent evidence that such a text message exists or was ever sent.

it cannot¹⁴ —there is no evidence that the message ever existed. Mr. Goldman failed to attach evidence of any such text message to his pleading, nor did he produce it in discovery. Mr. Kadric likewise failed to produce this text message pursuant to a subpoena, and at deposition, Mr. Kadric testified that he did not recall ever receiving any such text message from Ms. Reddington. *See* Ex. 46 at 109:11-110:2. On a record with no evidence of this supposed message, summary judgment is proper. *See Ctr for Med. Progress*, 551 F.Supp.3d at 326 (defining elements of defamation).

Summary judgment is also proper on Mr. Goldman’s allegation that Ms. Reddington defamed him when “she directly contacted Bohler Engineering (“Bohler”) and made false statements.” ECF No. 1, at ¶56(e). Discovery revealed Ms. Reddington did no such thing. An unrelated third party named Catharine Schay, who saw Ms. Reddington’s June 4, 2018 social media post, sent a message directly to Bohler on her own. *See* Ex. 48, Declaration of Catherine Schay and Exhibit A thereto, at REDDINGTON006566. After Ms. Schay contacted Bohler, she sent a private Facebook message to Ms. Reddington with a screenshot of the message to Bohler. *See id.* at REDDINGTON006565-66. Even if Ms. Schay had sent Ms. Reddington’s social media post verbatim to Bohler (and she did not), Ms. Reddington cannot be held “responsible for the recommunication of [her] original” statement, as it was not shared by her “authority or request.” *See Gottwald v. Sebert*, 148 N.Y.S.3d 37, 46 (App. Div. 2021); *Hoffman v. Landers*, 537 N.Y.S.2d 228, 231 (App. Div. 1989) (same). Likewise, Ms. Reddington’s subsequent posting of a portion of Ms. Schay’s text exchange with Bohler is not defamatory, as nothing in Ms. Schay’s full message

¹⁴ Statements that express opinions or hyperbole, rather than facts, do not constitute actionable defamation. *See Sleepy’s LLC v. Select Comfort Wholesale Corp.*, 779 F.3d 191, 202 (2d Cir. 2015) (citing *Gross v. N.Y. Times Co.*, 623 N.E.2d 1163, 1167 (N.Y. 1993)). An exception exists in the case of “mixed opinion-fact defamation,” where an opinion “implies that it is based upon facts which justify the opinion but are unknown to those reading or hearing it.” *Sorvillo v. St. Francis Preparatory Sch.*, 607 F. App’x 22, 24 (2d Cir. 2015).

to Bohler, or Ms. Reddington's commentary addressing Mr. Goldman's termination and calling Mr. Goldman a "monster," is defamatory, for reasons already discussed herein.

II. PLAINTIFF'S CLAIM FOR TORTIOUS INTERFERENCE FAILS AS A MATTER OF LAW.

To state a claim for tortious interference with prospective economic advantage and business relations, a plaintiff must allege (1) business relations with a third party; (2) defendant's interference with those business relations; (3) that the defendant acted for a wrongful purpose, *i.e.*, malice, or used dishonest, unfair, or improper means; and (4) injury to the relationship caused by defendant's acts. *See, e.g., 16 Casa Duse, LLC v. Merkin*, 791 F.3d 247, 261 (2d Cir. 2015) (citation omitted). A claim for tortious interference requires a plaintiff to show, "as a general rule," that "the defendant's conduct ... amount[ed] to a crime or an independent tort." *Carvel Corp. v. Noonan*, 818 N.E.2d 1100, 1103 (N.Y. 2004). New York courts have recognized an exception to this rule "where a defendant engages in conduct 'for the sole purpose of inflicting intentional harm on plaintiffs.'" *Id.* (quoting *NBT Bancorp, Inc. v. Fleet/Norstar Fin. Grp., Inc.*, 628 N.Y.S.2d 408, 410 (App. Div. 1995), *aff'd*, 87 664 N.E.2d 492 (N.Y. 1996)). This exception is narrow: when a defendant has acted with a permissible purpose (like "normal economic self-interest"), wrongful means have not been shown, even if the defendant was "indifferent to the [plaintiff's] fate." *Id.*; *see also Masefield AG v. Colonial Oil Indus.*, 2006 WL 346178, at *7 (S.D.N.Y. Feb. 15, 2006).

A. Mr. Goldman Cannot Establish Wrongful Means

Mr. Goldman's tortious interference with prospective economic advantage and business relations claims are premised upon allegations that Ms. Reddington made knowingly false and damaging statements about him to Syracuse University and Bohler. *See* ECF No. 1, at ¶¶71-73, 75, 76. The alleged wrongful conduct underlying his tortious interference claims is defamation.

For all the reasons set forth in Section I, *supra*, Mr. Goldman cannot establish that Ms. Reddington's statements accusing him of sexual assault were defamatory. Without the underlying defamation, Mr. Goldman cannot establish any independent tort to satisfy the "wrongful conduct" element of tortious interference. *See McNally v. Yarnall*, 764 F. Supp. 838, 853 (S.D.N.Y. 1991).

Similarly, Mr. Goldman cannot, on this record, satisfy the wrongful purpose element of tortious interference via malice. The undisputed facts show that Ms. Reddington had multiple motives in communicating with Syracuse University and Bohler, and she did not engage in the challenged conduct solely to inflict harm on Mr. Goldman. The record evinces that Ms. Reddington's sexual assault reports to Syracuse University were good-faith complaints made as part of the Title IX student disciplinary process. Because the evidence only suggests that Ms. Reddington filed her Title IX complaint with an earnest desire to hold Mr. Goldman accountable under the student conduct code for causing her harm, the tortious interference claims concerning Syracuse University must fail for lack of malice. *See* Ex. 47 at GOLDMAN000949. Likewise, Plaintiff cannot produce evidence establishing that Ms. Reddington's actions vis à vis Bohler—namely, tagging her Facebook and LinkedIn posts with #BohlerEngineering—were solely motivated by malice. The postings themselves articulate Ms. Reddington's interests in spreading awareness about the impact of sexual assault, preventing other women from being victimized, and promoting social responsibility as to sexual assault. *See* Ex. 31. While Ms. Reddington did not actually send Bohler the Facebook message that Plaintiff incorrectly attributes to her, her subsequent re-posting of Catherine Schay's exchange with Bohler after Bohler terminated its relationship with Mr. Goldman, accompanied by gratitude that Bohler recognized the dangers of sexual assault by exercising a "zero tolerance policy," further evinces her motives in advancing public discourse and corporate responsibility. Ex. 1, ECF No. 1, ¶56(e).

Because Mr. Goldman cannot prove on this record that Ms. Reddington acted with wrongful purpose or used dishonest, unfair, or improper means, summary judgment is warranted.

B. Ms. Reddington's Statements to Syracuse University Were Protected by a Qualified Privilege Which Plaintiff Cannot Overcome

Communications to a quasi-administrative or quasi-judicial entity for the purpose of reporting misconduct are entitled to a qualified privilege. *See Sagaille v. Carrega*, 143 N.Y.S.3d 36, 39 (App. Div. 2021) (“The doctrine of qualified privilege shields individuals who act in the discharge of some public or private duty, legal or moral, or in the conduct of [her] own affairs, in a matter where h[er] interest is concerned”); *see also Rosenberg v. MetLife, Inc.*, 866 N.E.2d 439, 442 (N.Y. 2007) (“[A]bsolute privilege generally is reserved for communications made by individuals participating in a public function, such as...quasi-judicial proceedings.”).

Mr. Goldman cannot overcome the qualified privilege because the record is devoid of evidence that Ms. Reddington bore a requisite level of fault when filing her sexual assault complaint and speaking to the investigator. *See, e.g., Sagaille*, 143 N.Y.S.3d at 39 (“To overcome the qualified privilege protecting defendant’s statements to the police, plaintiff was required to sufficiently allege that she published the statements with actual malice[.]”). Rather, the uncontested evidence supports that Ms. Reddington’s initial report and ongoing cooperation with Syracuse University’s investigation were made with a good-faith belief that she had been sexually assaulted and a sincere desire to hold Mr. Goldman accountable and prevent future assaults. *See* Ex. 47. In her Title IX Impact Statement, Ms. Reddington wrote, “My motive is to try to stop him from ruining another person’s life. I know this will not be the last time, especially if he stays here.” *Id.* at GOLDMAN000949. On this record, no reasonable jury could find that Ms. Reddington acted through wrongful means or solely out of malice, and summary judgment is therefore appropriate.

C. Ms. Reddington Was Not the Proximate Cause of Any Injury to Plaintiff in Connection with Bohler Engineering

The final element of a tortious interference claim requires Mr. Goldman to establish that any injury to his business relationship was caused by the defendant's acts. *See, e.g., 16 Casa Duse, LLC*, 791 F.3d at 261. There is no evidence that Ms. Reddington was the "direct," but-for cause of Bohler terminating Mr. Goldman's internship. The uncontroverted evidence is that Ms. Reddington never communicated directly with Bohler. Instead, as previously described in Section I.B., *supra*, a third party decided, on her own, to message Bohler and advise them that Mr. Goldman had been expelled for sexual assault. Ex. 48. A few hours later, Bohler responded to Ms. Schay: "Due to the severity of the allegations and our zero-tolerance policy, we have elected to immediately terminate the employment relationship." *Id.*

And there is no evidence that her conduct directly led to Plaintiff's termination. That Ms. Reddington tagged her June 4, 2018 Facebook and LinkedIn postings with #BohlerEngineering does not establish or even suggest that her postings prompted any adverse response by Bohler. In fact, Bohler responded directly to Ms. Schay to advise her of Plaintiff's termination, but the record is devoid of evidence that Bohler answered, acknowledged, or even saw Ms. Reddington's posts prior to terminating Mr. Goldman.¹⁵ Mr. Goldman himself acknowledged that his termination stemmed from his own failure to disclose to Bohler that he had been expelled from Syracuse University for sexual assault. Ex. 7 at 35:10-36:16; 27:1-28:2; 30:431:11; 33:19-34:1.

¹⁵ Ms. Reddington's posting of Ms. Schay's exchange with Bohler and her message recognizing Bohler for "taking a stand" cannot form the basis for a tortious interference claim because, by its terms, Ms. Reddington published that communication *after* Bohler had terminated Plaintiff. Ex. 1, ECF No. 1, ¶56(e). Further, Plaintiff is bound by his complaint, which explicitly premises liability on allegations that Ms. Reddington "directly contacted Bohler [] via the direct message feature on Facebook," *Id.* at ¶45, and which Plaintiff never amended, even after discovery revealed that Ms. Reddington never "directly contacted" Bohler.

On this uncontested record, there is no basis for a jury to conclude that any communication by Ms. Reddington proximately caused Mr. Goldman's termination.

III. THE COURT SHOULD GRANT PLAINTIFF SUMMARY JUDGMENT ON HER COUNTERCLAIM

Finally, the Court should grant summary judgment in Ms. Reddington's favor on her counterclaim under New York's Anti-SLAPP statute. A defendant in a SLAPP suit "may maintain [a] counterclaim to recover damages, including costs and attorneys' fees, from any person who commenced or continued such action." *Watson*, 2025 WL 2662306, at *18 (*quoting* N.Y. C.R. Law §70-a(1)). The Court can award attorneys' fees "upon a demonstration" that a SLAPP action was continued beyond the passage of the Anti-SLAPP amendments ***if the action lacks*** a substantial basis in fact and law and could not be supported by a substantial argument for the extension, modification or reversal of existing law." *Id.* The First Department has offered one "practical test" in applying this "substantial basis" standard, suggesting the relevant question is "whether the allegations and evidence presented would require submission to a jury as a question of fact." *Id.* (*quoting* *Reeves v. Associated Newspapers, Ltd.*, 218 N.Y.S.3d 19, 22 (1st Dep't 2024)). As a recent S.D.N.Y. decision recognized, the substantial basis test is thus "equated with the ordinary summary judgment standard, in that each seeks to determine whether there are triable issues of material fact." *Id.* Accordingly, a grant of summary judgment on defamation renders the necessary conclusion that the suit lacked any substantial basis in fact or law. *See id.* (granting summary judgment for defendant on defamation and Anti-SLAPP counterclaim). Summary judgment should be granted to Ms. Reddington as to Plaintiff's continuation of the suit after the amendments.

CONCLUSION

For the foregoing reasons, this Court should grant Defendant Catherine Reddington's Motion for Summary Judgment on all claims and her counterclaim.

Date: March 12, 2026

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that on March 12, 2026, she caused a true and correct copy of the foregoing document to be served via email to Plaintiff/Counterclaim Defendant's counsel of record.

/s/ Sandra L. Musumeci
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