

E-mail defamation suit may proceed, court rules

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A Kanawha County woman, who said her daughter-in-law called her a "wicked and evil person" and a "back-stabbing bitch," may continue with her lawsuit alleging that she was defamed, the state Supreme Court has ruled.

The court ruled 4-1 Wednesday to reject an effort by the daughter-in-law, Vikki L. Parsons, to dismiss the Kanawha Circuit lawsuit filed against her by Helen Moss.

Justice George M. Scott voted to consider the petition from Parsons' lawyers.

Moss alleges Parsons "defamed her good name and business acumen" in a March 1999 e-mail to a stepson in California and in comments to another person.

Moss, who runs a personal care home in Kanawha County, contends that the alleged comments to a man named David Brafford will harm her business.

Moss alleges that Parsons told Brafford "don't put anyone in her nursing home for the way she treated Mike," Moss' son and Parsons' husband.

Moss' lawyers attached the e-mail, which includes the "wicked" and "back-stabbing" comments, to the lawsuit.

The e-mail also includes other statements about Moss, but they are not mentioned in the lawsuit.

Parsons denies ever making such comments to Brafford. As for the e-mail, her lawyers argue that the statements "are not provably false, and therefore are considered protected opinion." Parsons also contends that Moss has blown a "family squabble" out of proportion with her lawsuit, which was filed last year.

Moss recently amended her lawsuit. The new suit does not mention the "back-stabbing bitch" statement.

Retired Supreme Court Justice **Richard Neely**, now in private practice in Charleston, represents Moss following her initial lawyer's withdrawal from the case.