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Moisa, Ormand& Romo LLP

350 Fairfax Avenue
Mayfair, Columbia

From: Irma Moisa
To: Jane Freeman
Date: July 28,2026
RE: In re Freeman Potential Litigation

Dear, Jane

Please find my advice below regarding the statements you are claiming to be defamatory.

Defamation includes libel. Libel is a "false... publication by writing ... which exposes any person to hatred, contempt, ridicule, or obloquy, or which... has a tendency to injure them in their occupation. *Colum. Civ. Code*

To be defamatory a statement must contain a provable falsehood. To contain provable falsehood, the statement must relate to a fact. To this end, courts distinguish between statements of fact and statements of opinion. A statement of fact generally says something about the world surrounding the speaker. In contrast, a statement of opinion generally says something about the speaker themself, such as their belief, feeling, conjecture, or speculation. But some statements of opinion may imply a statement of fact. *Slaughter.*

The key to determining whether a statement is one of fact or opinion is whether a reasonable fact finder could conclude the statement declares or implies a fact. Whether such a fact finder could so conclude must be determined under the totality of the circumstances, including the words of the statement as a whole and the contexts in which the statement was made. *Slaughter.*

Generally courts disfavor for defamation actions based on statements evaluating and employee's performance. Unless a statement evaluating an employee's performance falsely accuses an employee of criminal conduct, lack of integrity, dishonesty, incompetence, or reprehensible personal characteristics or behavior it is deemed not a statement of fact and hence not defamatory. *Jensen.*

Statements Regarding Unfinished Project

All the emails may be considered as libel because the emails are in writing and those were broadly disseminated both within the Museum and beyond it. Since the statements put your competence at stake, he statements have a tendency to injure your occupation.

January 15,2024 email to You

Here, Mr. Hogan stated that you are not incompetent but you have not been performing well on the Newsreel Collection (NC). To bring your action on those statements we need to prove that your performance in NC project was actually competent and did not fall below the expectation of the supervisor. Although your supervisor stated that you are not performing well he did not inform you what are the expectation from you or how you may obtain recognition for your performance. The statement here is a statement of fact because it is related to your performance and we can prove that your performance is actually seem up for the job. Mr Hogan may argue that he was merely giving his opinion regarding to your performance and in was for your benefit. Although a reasonable fact finder might indeed understand as mere opinion if it was made by some lay person, we will argue that Mr. Hogan is not a lay person since he is your direct supervisor and he has enough expertise in your job his statements may be established as an actual fact as in *Slaughter case.*

Thus, we may prove that you are competent and the statement is false.

April 5, 2024 email to Mr. Quist

Here, the statements made to Mr. Quist are statements of facts because it declares that you never completed documents formulating goals and deliverables over the life of the project and you always refused his requests. Mr. Hogan may argue that he was merely evaluating your performance to his direct supervisor. However we will argue that you actually completed the documents and did not refused his requests with the company records.

Therefore, we may prove the fact you we not refusing his requests.

April 6, 2024 email to Mr. Quist

Here, Mr. Hogan will argue that he was merely giving his opinion based on the communications that held without copying his made him to think that you were undermining their efforts to communicate with IDC. However we may argue that you never had such intention with your email transcripts and his his 'opinion' is actually to imply and accuse you to unfitness for the job. Moreover from the previous emails we may argue that since you were the only person who leads the project, you were putting your best effort to reach the goals by holding an important meeting with Steve and the statement is false. He also concluded that he cannot prove it.

Thus, his statements are defamatory.

April 11, 2024 email to Mr. Quist

Here, as discussed above again, although he stated his 'opinion' that you were not a team member to evaluate your competence in the project, it implies a fact that you were usurping a business opportunity against the company's interest. Again, since they cannot prove malfeasence despite the much written evidence his implication of facts in his opinion puts you in hatred in the eyes of Mr. Quist. Moreover, since we can prove his statements falsity with your strong documentation we have a strong argument.

Therefore, the email is defamatory.

April 13, 2024 email to You

Here, the statement that you were late to the office is a statement of fact because we can prove that you actually arrived to the office in time from the camera surveillance or other company time sheets.

Thus, it is defamatory.

April 17, 2024 email to Menagers

Here, he put you in a ridicule in managers' eyes because he falsely accused you that you were laid of because of financial improprieties while he laid you of because of his frustration and to get along with Mr. Quist. Since we can prove that your actual reason of laid of and the reason why you did not finish the project the statement is false.

Thus, you have a viable claim for defamation.

Please do not hesitate to reach out to our office if you have any questions.

Sincerely

Irma Moisa

END OF EXAM