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CIVIL ACTION NO. 22-CI-2288

COMMONWEALTH OF KENTUCKY

JEFFERSON CIRCUIT COURT

DIVISION TWELVE

JUDGE SUSAN SCHULTZ GIBSON

MEDIA5022

Electronically Filed

DENISE BENTLEY

PLAINTIFF

v.

LOUISVILLE METRO GOVERNMENT

DONNA PURVIS

DEFENDANTS

DEFENDANT DONNA PURVIS' TRIAL MEMORANDUM

Comes the Defendant, Donna Purvis, by counsel, and in compliance with the Court's September 20, 2023 Jury Trial Order, states as follows:

I. OUTLINE OF FACTUAL SITUATION

This is a defamation action arising out of Defendant Metro Councilwoman Donna Purvis's termination of Denise Bentley from her position as legislative assistant for Councilwoman Purvis in Louisville Metro Council District Five on January 6, 2022. Ms. Bentley, who had extensive political experience as a previous Alderman and Metro Councilwoman as well as a political consultant and campaign manager, agreed to serve as legislative assistant for her long-time friend, Donna Purvis, upon Ms. Purvis' successful campaign for Metro Council for District 5 in 2018.

Councilwoman Purvis' relationship with Ms. Bentley was tumultuous at times, but she relied upon Ms. Bentley's expertise and experience while learning the ropes around Metro Council. However, their relationship deteriorated throughout 2021,

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through Ms. Bentley's continual criticism of Councilwoman Purvis' performance and competence, culminating in a contentious telephone conversation on January 3, 2022 in which Ms. Bentley informed Councilwoman Purvis that she lacked qualities of a leader, that she was not fit for office, that she questioned whether she could continue to support the Councilwoman, and that she did not want to continue in their "toxic" working relationship. Ms. Bentley further informed Councilwoman Purvis that if Councilwoman Purvis took offense at her critical barrage, then Councilwoman Purvis "was in the wrong game." Councilwoman Purvis thanked Ms. Bentley for assisting her for as long as she had and ended the conversation.

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Councilwoman Purvis terminated Ms. Bentley as her legislative assistant three days later, realizing that Ms. Bentley was no longer willing to support her operation of the District 5 office¹ and wanting to distance herself from the hostility that Ms. Bentley had expressed. Councilwoman Purvis informed Edwin Ernest, Director of Metro Council Services, of Ms. Bentley's termination and requested that her access to the District 5 office at City Hall be curtailed. Councilwoman Purvis wanted to be free of Ms. Bentley and able to run the District 5 office without the distraction that Ms. Bentley had become. Edwin Ernest communicated to the company in charge of security at City Hall that Ms. Bentley was no longer a Louisville Metro employee and should be treated as any other member of the general public at City Hall.

¹ Plaintiff's Trial Memorandum states as an "Undisputed Issue for Defamation *Per Se* Claim" that "Defendant has admitted that she caused the termination because of Plaintiff's refusal to support Defendant in her claim for re-election." This is patently false. Defendant testified multiple times that Plaintiff's decision to not support her re-election campaign was not a factor in her termination.

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During the course of winding down Ms. Bentley's involvement in the District 5 office, Councilwoman Purvis discovered that Ms. Bentley had reported time on her time card that she had actually spent at meetings in Frankfort and other Kentucky cities at meetings for Attorney General Daniel Cameron's Search Warrant Task Force. Councilwoman Purvis reported her suspicions, along with email documentation of Ms. Bentley's presence in Frankfort on the date in question, to Mr. Ernest, with a request that Ms. Bentley be made ineligible for rehire as a result. Mr. Ernest then contacted Metro Louisville Human Resources for further investigation. Ultimately, Metro Human Resources declined to designate Ms. Bentley as ineligible for rehire as a signed time card for those dates could not be located.

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Councilwoman Purvis also discovered that Ms. Bentley had utilized funds from the District 5 Cost Center for an event in District 1 that did not have a District 5 purpose. It is undisputed that Councilwoman Purvis did not approve the use of these funds for this purpose. Councilwoman Purvis contacted Metro Councilwoman Jessica Green to inform her that she had not approved the use of those funds, and Councilwoman Green agreed to reimburse District 5 for the funds expended.

Despite Ms. Bentley assisting her direct competitors in their campaigns, Councilwoman Purvis was re-elected to Metro Council for District 5 in the May 2022 primary and November 2022 general election.

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II. ISSUES OF LAW AND FACT

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1. Whether Councilwoman Purvis published any defamatory statements about Plaintiff;
2. Whether any allegedly defamatory statements made by Councilwoman Purvis were true;
3. Whether any allegedly defamatory statements constitute defamation *per se*;
4. Whether Councilwoman Purvis acted with actual malice, i.e. reckless disregard for the truth or actual knowledge that the statement was false, in publishing any allegedly defamatory statements;
5. To what extent, if any, Plaintiff's reputation was damaged by any defamatory statements published by Councilwoman Purvis.

Respectfully submitted,

PHILLIPS PARKER ORBERSON & ARNETT PLC

/s/ Katherine T. Watts
 Katherine T. Watts, Esq.
 Susan D. Phillips, Esq.
 Hayley A. Abbott, Esq.
 716 West Main Street, Suite 300
 Louisville, Kentucky 40202
 (502) 583-9900
kwatts@ppoawlaw.com
sphillips@ppoalaw.com
habbott@ppoalaw.com
 Counsel for Defendants Louisville Metro
 Government and Donna Purvis

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CERTIFICATE OF SERVICE

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I hereby certify that a true and accurate copy of the foregoing was filed with the Clerk of Court via the CM/ECF system, which will send a notice of electronic filing to counsel of record. I further certify a true and correct copy of the foregoing was served via electronic mail on this the 12th day of September 2023, to the following counsel of record:

Robyn Smith, Esq.
Adam M. Johnson, Esq.
ROBYN SMITH LAW OFFICE
4350 Brownsboro Road, Suite 110
Louisville, Kentucky 40207
(502) 893-4569
firm@robysmithlaw.com
adam@robysmithlaw.com
Co-Counsel for Plaintiff Denise Bentley

Keith B. Hunter, Esq.
HUNTER LAW OFFICE
1420 South Fourth Street, Suite 5
Louisville, Kentucky 40208
(502) 387-5228
keithbhunter@hotmail.com
Co-Counsel for Plaintiff Denise Bentley

/s/ Katherine T. Watts
Counsel for Defendants

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