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CIVIL ACTION NO. 22-CI-2288

JEFFERSON CIRCUIT COURT  
DIVISION TWELVE(12)  
JUDGE SUSAN SCHULTZ GIBSON

MEDIA 2022

*Electronically Filed*

DENISE BENTLEY

PLAINTIFF

v.

DONNA PURVIS

DEFENDANT

**PLAINTIFF'S TRIAL MEMORANDUM**

In compliance with the Court's Trial Order, Plaintiff Denise Bentley submits the following Pretrial Memorandum:

**Facts and Claims**

Plaintiff Denise Bentley, who has previously served Louisville, Kentucky as a legislator, liaison to the Commonwealth, and the President of the Board of Aldermen, worked as a District Five Legislative Assistant until her termination by Defendant Donna Purvis in January of 2022. After terminating Bentley for refusing to support her re-election campaign, Purvis set out to defame Bentley by portraying her as having refused to do her Legislative Assistant job, having committed misappropriation of funds and theft of pay, fabricating time sheets, and harassing and threatening Purvis and her family. Purvis had no basis in fact for most of these allegations, and after she asked Metro Louisville to investigate her allegation of fabrication of time sheets, the city determined that there was no substantiation for Purvis's suspicion. Nonetheless, Purvis continued to falsely portray Bentley as having committed those acts.

Bentley also asserted First Amendment claims (Section 1983) and claims for wrongful termination under the Kentucky Civil Rights Act. The Court has granted summary judgment on those claims, leaving the defamation claim for adjudication by the trier of fact. The common-law

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tort renders Bentley eligible for compensatory damages (damage is presumed under defamation *per se* law) and punitive damages.

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Below are the undisputed issues, disputed issues of fact, and unresolved questions of law that remain at the close of discovery and as the parties have finalized their trial preparations.

**UNDISPUTED ISSUES FOR DEFAMATION *PER SE* CLAIM**

- Plaintiff was terminated from her job as a Metro Council Legislative Assistant by Defendant on January 6, 2023;
- Defendant has admitted that she caused the termination because of Plaintiff's refusal to support Defendant in her campaign for re-election;
- Thereafter, Defendant alleged to Metro Business Office personnel (specifically, Edwin Ernest) that Plaintiff committed time theft/misappropriated funds, and that Plaintiff threatened and harassed Defendant's family;
- As of the date of trial, Metro has not substantiated any of those allegations or otherwise unearthed evidence supporting them or warranting any extraordinary measures against Plaintiff.

**DISPUTED ISSUES OF FACT FOR DEFAMATION *PER SE* CLAIM**

- Defendant thereafter published the same sorts of statements to people with no applicable qualified privilege;
- The allegations were the kind of statements that would tend to expose Plaintiff to public hatred, ridicule, contempt, or disgrace, or induce an evil opinion of Plaintiff in the community
- Defendant knew or should have known that there was no evidence supporting the allegations;

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- Defendant acted with malevolence or ill will.
- Punitive damages are appropriate as against Defendants.

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### QUESTIONS OF LAW

Bentley understands that the following questions of law are likely to warrant ruling by the Court:

1. The legal standards about which the jury must be instructed (reflected in the parties' various jury instructions);
2. Whether particular evidence or topics will be admissible at trial, which has been addressed in greater detail in the Court's forthcoming ruling on the parties' motions *in limine* but that may also be raised in contemporaneous objections.

### AUTHORITIES

Attached to Plaintiff's Proposed Jury Instructions are the relevant, cited sources of legal authority for the Court's convenience.

Respectfully submitted,

*/s/ Robyn Smith*  
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**CERTIFICATE OF SERVICE**

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I hereby certify that on September 12, 2023, I filed this document on the Court's electronic document filing (ECF) system, which will transmit this document to the following counsel of record, with an email courtesy copy to:

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