

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA  
CIVIL DIVISION

MAI-LY LATRACE,

Plaintiff,

CASE NO.:04-4547-CI-13

vs.

JUDITH MOSLEY and CARRIE WEST,

Defendants.

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**ORDER GRANTING MOTION FOR SUMMARY JUDGMENT**

This matter is before the Court on Defendants Judith Mosley and Carrie West's Motion for Summary Judgment. Plaintiff has not submitted evidence or a legal memorandum in opposition to the Motion for Summary Judgment. The Court has reviewed the Motion, the affidavits, and the deposition transcripts submitted by the Defendants, has heard argument on October 30, 2007, and is otherwise fully advised in the premises.

Plaintiff Mai-Ly LaTrace ("LaTrace") has filed a two-count Complaint against the Defendants alleging spoken defamation in Count I (slander) and written defamation in Count II (libel). In particular, LaTrace alleges that Defendants Mosley or West spoke or wrote that:

- a. LaTrace was deported by the Vietnamese government for corruption charges and bribing government officials;
- b. LaTrace committed fraud; and
- c. LaTrace engaged in criminal misconduct.

Complaint ¶ 9.

Based upon the record evidence, there is no genuine issue of material fact or law that, in the light most favorable to Plaintiff, Defendants made no actionable oral or written statement about LaTrace. The statement by Defendant Mosley to the Florida Department of Children and Families that LaTrace was deported by the Vietnamese government for corruption charges and

bribing government officials is privileged under Florida's common interest privilege and therefore cannot support a defamation claim. See Lewis v. Evans, 406 So. 2d 489, 492 (Fla. 2d DCA 1981).

Statements by the Defendants that LaTrace was deported from Vietnam are privileged under Florida's fair report privilege because the statements are an accurate reflection of a matter contained in a public record, and therefore cannot support a defamation claim. Carson v. News-Journal Corp., 790 So. 2d 1120, 1121 (Fla. 5<sup>th</sup> DCA 2001).

The Court is not required to determine whether Plaintiff is a public figure or private figure. For purposes of the Motion for Summary Judgment, the Court assumes, in the light most favorable to Plaintiff, that she is a private figure and therefore must prove that the Defendants acted at least negligently in publishing a false and defamatory statement about her. Because the evidence fails to meet the threshold to create an issue of fact as to whether the Defendants acted negligently, the record cannot support a defamation claim against Defendants. See Karp v. Miami Herald Publishing Co., 359 So. 2d 580, 582 (Fla. 3d DCA 1978).

For each of these reasons, summary judgment in favor of Defendants is appropriate.

Wherefore, it is **ORDERED and ADJUDGED** that Defendants Judith Mosley and Carrie West's Motion for Summary Judgment is **GRANTED** in favor of Defendants Judith Mosley and Carrie West, who shall go hence without day. The Court reserves jurisdiction to resolve any timely motions for costs and/or fees and to enforce any previous orders that survive entry of final judgment.

**DONE and ORDERED** in Chambers at St. Petersburg, Pinellas County, Florida, this

\_\_\_\_\_ day of November, 2007.

Original Signed

NOV 09 2007

MARK I. SHAMES  
Circuit Judge

HONORABLE MARK I. SHAMES  
Circuit Judge

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