

IN THE COURT OF CLAIMS OF OHIO

SARAH LETCHFORD

Plaintiff

v.

OHIO UNIVERSITY

Defendant

Case No. 2023-00539JD

Judge Lisa L. Sadler
Magistrate Gary Peterson

DECISION

{¶1} On November 27, 2024, Defendant filed a Motion for Summary Judgment pursuant to Civ.R. 56(B), asserting that it is entitled to judgment as a matter of law because Plaintiff cannot prevail on her claim of defamation. On January 8, 2025, with leave of Court, Plaintiff filed a Response, and, on January 9, 2025, Defendant filed a Reply. For the reasons stated below, the Court GRANTS Defendant’s Motion for Summary Judgment.

Standard of Review

{¶2} Motions for summary judgment are reviewed under the standard set forth in Civ.R. 56(C):

Summary judgment shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, written admissions, affidavits, transcripts of evidence, and written stipulations of fact, if any, timely filed in the action, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. No evidence or stipulation may be considered except as stated in this rule. A summary judgment shall not be rendered unless it appears from the evidence or stipulation, and only from the evidence or stipulation, that reasonable minds can come to but one conclusion and that conclusion is adverse to the party against whom the motion for summary judgment is made, that party being

entitled to have the evidence or stipulation construed most strongly in the party's favor.

"[T]he moving party bears the initial responsibility of informing the trial court of the basis for the motion, and identifying those portions of the record before the trial court which demonstrate the absence of a genuine issue of fact on a material element of the nonmoving party's claim." *Dresher v. Burt*, 75 Ohio St. 3d 280, 292 (1996). To meet this initial burden, the moving party must be able to point to evidentiary materials of the type listed in Civ.R. 56(C). *Id.* at 292-293.

{¶3} If the moving party meets its initial burden, the nonmoving party bears a reciprocal burden outlined in Civ.R. 56(E):

When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of the party's pleadings, but the party's response, by affidavit or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If the party does not so respond, summary judgment, if appropriate, shall be entered against the party.

Background

{¶4} On November 3, 2023, Plaintiff filed an Amended Complaint, alleging Defendant violated Plaintiff's constitutional rights and is liable for defamation. On November 28, 2023, Defendant filed a Motion to Dismiss Plaintiff's Amended Complaint. On February 2, 2024, the Court granted an Entry of Partial Dismissal, dismissing Plaintiff's allegations of constitutional violations and proceeding on Plaintiff's claim for defamation.

{¶5} In the Amended Complaint, Plaintiff explains that she was an Ohio University Student in the Spring semester of 2017, whereupon a dispute arose between Plaintiff and the University regarding her status as an enrolled student. Plaintiff asserts that Defendant thereafter characterized her as a "violent criminal" at Student Review and Consultation Committee (SRCC) meetings and at a trial in August 2021. (Amended Complaint, Current Claims, ¶ 6.) Plaintiff alleges that she discovered the statements from Detective Richard Sargent's testimony at her August 2021 criminal trial, at which, in

reference to Plaintiff, he stated, “[W]e [sic] found indications of past violent behavior.” (*Id.*) Plaintiff alleges that Detective Sargent “[told] various university departments that [Plaintiff] was a ‘violent’ criminal during the SRCC meetings on August 13, 2021.” (*Id.*, at Current Claims, ¶ 2.)

{¶6} Plaintiff alleges that these statements made by Defendant have “caused harm to [Plaintiff’s] reputation and have hindered [Plaintiff’s] academic and professional pursuits.” (*Id.* at p. 2.) Plaintiff requests \$40,000 for defamation, \$7,000 for athletic scholarship eligibility loss, and for a refund from Defendant for the Spring semester of 2017. (*Id.* at p. 5.) Furthermore, Plaintiff requests Defendant clarify to the “NAIA” that she “did not withdraw [from Ohio University] at any [sic] point in that semester . . . and declare non-attendance for that semester.” (*Id.*)

Law and Analysis

{¶7} In its Motion for Summary Judgment, Defendant asserts that Plaintiff’s claim for defamation lacks evidentiary support. Defendant argues that Plaintiff has no evidence that any defamatory statements were said by Detective Sargent or others, that Detective Sargent did not testify that she was a “violent criminal” at her August 2021 criminal trial, or that any testimony spoken at the hearing would not be subject to a civil lawsuit. Defendant further argues that any claim for defamation regarding what Detective Sargent may have said at an SRCC meeting is barred by the one-year statute of limitations.

{¶8} “In Ohio, defamation occurs when a publication contains a false statement ‘made with some degree of fault, reflecting injuriously on a person’s reputation, or exposing a person to public hatred, contempt, ridicule, shame or disgrace, or affecting a person adversely in his or her trade, business or profession.’” *Jackson v. Columbus*, 2008-Ohio-1041, ¶ 9, quoting *A & B-Abell Elevator Co., Inc. v. Columbus/Cent. Ohio Bldg. & Constr. Trades Council*, 1995-Ohio-66, ¶ 7. “To succeed on a defamation claim, a plaintiff must establish: (1) a false statement, (2) about the plaintiff, (3) published without privilege to a third party, (4) with fault of at least negligence on the part of the defendant, and (5) the statement was either defamatory per se or caused special harm to the plaintiff.” *Watley v. Ohio Dept. of Rehab. & Corr.*, 2008-Ohio-3691, ¶ 26 (10th Dist.).

{¶9} In support of its motion, Defendant submitted Plaintiff's deposition that occurred on September 4, 2024, wherein the following exchange occurred:

Q. So the specific verbiage, [Detective Sargent] never—the specific verbiage never said that you were a violent criminal?

A. *He said indications of past violent behavior—*

Q. Right.

A. —in the context of a threat assessment.

Q. Right. But he never said that you're a violent criminal?

A. That's what it amounted to to the judge.

Q. He never—

A. But—

Q. —said you were a violent—

A. —yes to that—

Q. Yes. And that's what I want to make sure.

A. But he—

Q. *He never said you were a violent criminal?*

A. *Yes. So just so we're clear.*

(Deposition of Plaintiff, p. 81-82.) (Emphasis added.)

{¶10} Defendant also submitted an affidavit from Detective Sargent in which he avers, in part:

8. At the trial, when asked about a threat assessment I conducted of Ms. Letchford, I testified that 'we found indications of past violent behavior.' *I did not testify that Ms. Letchford was a 'violent criminal.'* . . .

11. *I have never called Sarah Letchford a 'violent criminal' at an SRCC meeting or elsewhere. As a law enforcement agent responsible for conducting accurate threat assessments, I would never have characterized her as a 'violent criminal.'*

(Emphasis added.)

{¶11} The undisputed evidence establishes that Detective Sargent testified at a trial that "we found indications of past violent behavior." There is no evidence before the Court that Detective Sargent or anyone else called Plaintiff a "violent criminal" or stated

that Plaintiff engaged in violent behavior. Plaintiff submitted the depositions of Detective Sargent, Kathy Fahl, and Chad Barnhardt; however, Plaintiff is unable to point to any evidence that anyone called her a violent criminal, and there is no evidence in the depositions that anyone called Plaintiff a violent criminal.

{¶12} To the extent Plaintiff may seek to hold Defendant liable for Detective Sargent's statement while testifying at a trial, such a statement may not form the basis for a civil claim for defamation. While testimony in court is "punishable under criminal statutes, they may not, for public policy reasons, form the basis of a civil lawsuit." *Morrow v. Reminger & Reminger Co. LPA*, 2009-Ohio-2665, ¶ 16 (10th Dist.), citing *Costell v. Toledo Hosp.*, 38 Ohio St.3d 221, 223-24 (1988). "[T]he giving of false testimony in a judicial proceeding . . . does not give rise to a civil action for damages resulting from the giving of the false testimony' even where it is alleged that the witness knew the testimony to be false." *Id.* Accordingly, any statements that occurred at the August 2021 hearing are inactionable for a civil defamation suit.

{¶13} Turning to the allegation that Detective Sargent made defamatory statements about Plaintiff before the SRCC, Plaintiff alleges in her Amended Complaint: "I became aware of Richard Sargent telling various university departments that I was a 'violent' criminal during SRCC meetings on August 13, 2021." (Amended Complaint, Current Claims, ¶ 2.)

{¶14} Defendant argues that Plaintiff has no evidence that a defamatory statement was published to a third person. In Plaintiff's submitted deposition, the following was stated:

Q. And after the trial, [Detective Sargent] never called you a violent criminal?

A. I haven't had encounters with him specifically. But it's very much the opinion of Ohio University that my speech is criminal. . .

Q. But after the trial, [Detective] Sargent never called you a violent criminal?

A. I don't know.

Q. . . . Do you know if he ever called you a violent criminal after the trial?

A. No.

Q. Okay. Nobody ever told you that?

A. No.

Q. Okay. You didn't hear it?

A. No.

(Deposition of Plaintiff, p. 83-84.)

{¶15} Defendant also submitted an affidavit of Patricia McSteen, the Interim Senior Associate Vice President for Student Affairs and Dean of Students at Ohio University from October 24, 2020, to February 8, 2022, in which she avers, in part:

3. From 2007 until October 2020, one of my responsibilities was to chair a behavioral intervention team called the Student Review and Consultation Committee (SRCC). The SRCC was a multidisciplinary team overseen by the Dean of Students Office that included various university professionals specializing in mental health, residence life, academic affairs, community standards, law enforcement, and others. The primary responsibility of the SRCC was to ensure a timely and coordinated response to students whose behavior is disruptive to others or reflects a credible potential for harm to self or others. Part of my duties included reviewing threat assessments conducted by the Ohio University Police Department (OUPD) relating to students enrolled at Ohio University.

4. When conducting threat assessments, OUPD reviews, among other things, open sources, such as court records. The goal is to determine whether there is a potential risk of violence.

5. Sarah Letchford came to the attention of the SRCC due to concerns about her well-being and because she began sending numerous emails of a threatening nature to various Ohio University employees.

6. I learned from a threat assessment conducted by Rick Sargent that there was a report in some county (I don't recall which county) in which Ms. Letchford allegedly engaged in violent behavior. I was also aware that Ms. Letchford had not been convicted of any crimes relating to that alleged behavior.

7. After continuously sending numerous emails of a threatening nature to various officials at Ohio University, including myself, the Athens City

Prosecutor charged Ms. Letchford with two counts of telephone harassment, one count of menacing, and one count of intimidation . . .

9. At the trial [of Plaintiff], I did not testify that Ms. Letchford was a 'violent criminal.'

10. I have never heard Rick Sargent call Sarah Letchford a 'violent criminal.'

11. I have never called Ms. Letchford a 'violent criminal' at an SRCC meeting or elsewhere.

12. I have never heard anyone call Ms. Letchford a 'violent criminal' at an SRCC meeting or elsewhere.

{¶16} The undisputed evidence presented to the Court establishes that no one ever called Plaintiff a violent criminal at SRCC meetings. Defendant presented evidence by way of depositions and affidavits, that no one ever called Plaintiff a violent criminal at SRCC meetings. There is also no evidence that anyone associated with the University stated that Plaintiff engaged in violent behavior. The only evidence before the Court is the statement Detective Sargent made while testifying at Plaintiff's criminal trial that he *found indications* of past violent behavior and that McSteen was aware of a report from another county indicating that Plaintiff allegedly engaged in violent behavior. Plaintiff, however, is unable to point to any evidence that Detective Sargent, or anyone else, called her a violent criminal at SRCC meetings or stated that she engaged in violent behavior.

{¶17} Furthermore, even if Plaintiff could point to evidence that Defendant defamed her by calling her a violent criminal or by stating that Plaintiff had engaged in violent behavior, any such statements would be barred by the one-year statute of limitations.

{¶18} "R.C. 2743.16(A) provides the applicable statute of limitations for civil actions against the state, stating such actions 'shall be commenced no later than two years after the date of accrual of the cause of action *or within any shorter period that is applicable to similar suits between private parties.*'" (Emphasis added.) *Stubbs v. Dept. of Rehab. & Corr.*, 2012-Ohio-1374, ¶ 14 (10th Dist.). "A claim for defamation 'shall be commenced within one year after the cause of action accrued.'" *Fischer v. Kent State Univ.*, 2015-Ohio-3569, ¶ 22 (10th Dist.), quoting R.C. 2305.11(A). "A cause of action for defamation

accrues on the date of publication of the alleged defamatory matter.” *Pankey v. Ohio Adult Parole Auth.*, 2011-Ohio-4209, ¶ 9 (10th Dist.).

{¶19} Defendant submitted Detective Sargent’s affidavit wherein he testified that “I rarely attended meetings of the SRCC. To the best of my recollection, I may have attended one meeting between 2013 and 2015. I did not attend any SRCC meetings after Ms. Letchford’s trial in August 2021.” Plaintiff filed her initial complaint August 14, 2023, two years after her criminal trial where she heard Detective Sargent state that he found indications of past violent behavior. In order to have a timely claim for defamation, Plaintiff is required to point to statements made after August 14, 2022, which is one year prior to when she filed her complaint in this Court on August 14, 2023. R.C. 2305.11(A). However, the undisputed evidence submitted establishes that there were no statements regarding Plaintiff, let alone defamatory statements, subsequent to the trial that occurred in August 2021. Accordingly, Plaintiff’s claim would be barred even if there was evidence in the record to support a defamation claim.

{¶20} The Civ.R. 56 evidence submitted by Defendant shows that no one ever called Plaintiff a violent criminal, that Detective Sargent testified at Plaintiff’s criminal trial that he found indications of past violent behavior, and that there were no defamatory statements made that could be considered timely pursuant to the statute of limitations. Plaintiff points to no countervailing Civ.R. 56 evidence that would create an issue of material fact. Accordingly, Defendant is entitled to judgment on Plaintiff’s claim for defamation.

Conclusion

{¶21} Based upon the foregoing, the Court concludes that there are no genuine issues of material fact and that Defendant is entitled to judgment as a matter of law. Accordingly, Defendant’s Motion for Summary Judgment shall be granted, and judgment shall be rendered in favor of Defendant.

LISA L. SADLER
Judge

[Cite as *Letchford v. Ohio Univ.*, 2025-Ohio-1057.]

SARAH LETCHFORD

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JUDGMENT ENTRY

IN THE COURT OF CLAIMS OF OHIO

{¶22} A non-oral hearing was conducted in this case upon Defendant's Motion for Summary Judgment. For the reasons set forth in the decision filed concurrently herewith, the Court concludes that there are no genuine issues of material fact and that Defendant is entitled to judgment as a matter of law. As a result, Defendant's Motion for Summary Judgment is GRANTED, and judgment is hereby rendered in favor of Defendant. All previously scheduled events are VACATED. Court costs are assessed against Plaintiff. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

LISA L. SADLER
Judge

Filed February 12, 2025
Sent to S.C. Reporter 3/27/25