



AMICUS BRIEF ON BEHALF OF MEDIA COALITION AIDS IN OBTAINING NEW YORK COURT OF APPEALS WIN IN KESHA'S ONGOING DEFAMATION DISPUTE

06.14.2023

APPEALS COURT'S DECISION PRESERVES NEWS MEDIA'S ABILITY TO REPORT ON PUBLIC FIGURES

NEW YORK—The New York Court of Appeals ruled in favor of pop star Kesha Rose Sebert, more commonly known as Kesha, in her legal battle with producer Dr. Luke, holding that the producer is a “limited public figure” and must satisfy a higher burden of proof than a private figure to succeed in his defamation claims against the artist.

The appellate court's ruling, issued on June 13, overturned previous rulings by a New York state trial court and the First Department that Dr. Luke was a private figure subject to a lower burden of proof because he is not a household name. The previous rulings would have increased the likelihood that Dr. Luke would prevail in his defamation suit against the pop star, whom he claimed falsely accused him of rape on social media, in court filings, and in text messages.

A Holwell Shuster & Goldberg team—led by counsel Eileen Monaghan DeLucia—appeared in a *pro bono* capacity and worked alongside Professor Eugene Volokh and his First Amendment Clinic at UCLA School of Law to file an *amicus* brief on behalf of a 17-member media coalition spearheaded by The Reporters Committee for Freedom of the Press, explaining to the court that the previous rulings had serious implications for journalists seeking to hold public figures accountable. HSG was co-counsel on the various *amicus* briefs filed before the Appellate Division, First Department and the Court of Appeals.

In its ruling, the New York Court of Appeals agreed with the *amici*, holding that Dr. Luke is a “limited public figure” who must satisfy a heavier burden in proving defamation claims.

The HSG team, which also included associates Brian Goldman and Prishika Raj, is delighted that the ruling preserves the media's ability to hold the powerful accountable and empowers women to speak out against their alleged abusers.

The brief can be found [here](#) and the New York Court of Appeals' ruling can be found [here](#).

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