

**SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

DONALD HITCHCOCK,)	
)	
Plaintiff,)	
)	
v.)	C.A.: 2007 CA 003040 B
)	Judge Jeanette J.Clark
DNC SERVICES CORPORATION, D/B/A)	Next Event: Mediation
DEMOCRATIC NATIONAL COMMITTEE, <i>et al.</i> ,)	July 31, 2008 at 11:00 a.m.
)	
)	
Defendants.)	
)	

**ORDER DENYING DEFENDANT
ANDREW TOBIAS' MOTION
FOR SUMMARY JUDGMENT**

Upon consideration of Defendant Tobias' Motion for Summary Judgment ("Motion"), Plaintiff's Consolidated Opposition to Defendants' Motions for Summary Judgment thereto ("Opposition"), and the record herein, the Court denies the Motion because of the genuine issues of material fact in dispute, which include but are not limited to the following: (1) whether the three statements made by Defendant Tobias were defamatory¹; and (2) whether he aided and abetted the Democratic National Committee ("DNC") by participating in a scheme to discriminate and retaliate that resulted in Plaintiff's termination of his position at the DNC.

¹ "A communication is defamatory if it tends so to harm the reputation of another as to lower him in the estimation of the community to deter third persons from associating or dealing with him." Restatement Second, Torts § 559.

WHEREFORE, it is this 2nd day of July 2008, hereby,

ORDERED, the Motion is **DENIED**; and it is

FURTHER ORDERED, that for each Motion filed, the parties shall e-mail a copy of the proposed order in Microsoft Word Format (.doc) to the following e-mail addresses pursuant to this Court's General Order:

Clarkjj2@dcsc.gov and Clarkjj3@dcsc.gov.

SO ORDERED.



Judge Jeanette J. Clark
D.C. Superior Court

Copies e-filed to and docketed on this 2nd day of July 2008:

Lynne Bernabei, Esq.
Lbernabei@aol.com
Alan R. Kabat, Esq.
Kabat@bernabeipllc.com
Bernabei & Wachtel, PLLC
1775 T Street, N.W.
Washington, D.C. 20009-7124
Counsel for Plaintiff

Joseph E. Sandler, Esq.
sandler@sandlerreiff.com
John Hardin Young, Esq.
young@sandlerreiff.com
Sandler, Reiff & Young, P.C.
300 M Street, S.E., Suite 1102
Washington, D.C. 20003
Counsel for Defendants