



FOUNDATION

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December 1, 2008

Ms. Tina Renna  
202 Walnut Street  
Cranford, New Jersey 07016

Dear Ms. Renna:

I have received your request for assistance regarding attempts by Union County to dissuade you from engaging in free speech activities. It is my understanding that you already defeated one legal challenge filed against you by a county official and that you recently received a "cease and desist" letter from an attorney representing a different county official that threatens another lawsuit.

It is unclear to me what specific statements made by you about the county manager or his wife are being alleged to be defamatory. Please request that information from the attorney and provide me with that information.

Ultimately, if a lawsuit were filed against you that did not state with specificity the alleged defamatory statements, that complaint should be dismissed. *See, e.g. Dello Russo v. Nagel*, 358 N.J.Super. 254, 817 A.2d 426 (App. Div. 2003) (dismissing case for failure to state a claim, explaining: "In order to properly plead a claim for libel or slander the defamatory words must be identified"). Indeed, as explained by the Appellate Division of the Superior Court of New Jersey: "In the case of a complaint charging defamation, plaintiff must plead facts sufficient to identify the defamatory words, their utterer and the fact of their publication. A vague conclusory allegation is not enough." *Zoneraich v. Overlook Hospital*, 212 N.J.Super. 83 at 101 (App.Div.), *certif. denied*, 107 N.J. 32, 526 A.2d 126 (1986).

You expressed to me your belief that the prior lawsuit and current "cease and desist" letter are part of the county's attempt to burden, or dissuade you from engaging in, your right to free speech. Please inform me of any further threats of lawsuit or any other actions taken against you by or on behalf of county officials from this point forward.

Sincerely,

Ed Barocas  
Legal Director