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## STATUTE OF LIMITATIONS RUNS FROM DATE DEFAMATORY STATEMENT MADE NOT PUBLISHED

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Although the subject of defamatory remarks was not present to hear them during a tape-recorded television interview, which did not air for another three days, the Michigan Supreme Court ruled that the one-year statute of limitations runs from the date of the original alleged defamatory statement, rather than the date a third party publishes the statement.

In *Mitan v Campbell*, \_\_\_ Mich \_\_\_ (December 6, 2005), the defendant, a public relations director of Michigan's Department of Consumer and Industry Services, stated in an interview with WXYZ-TV that the plaintiff was a "bad egg." WXYZ-TV broadcast the statement three days later.

The plaintiff filed a defamation complaint more than one year after the defendant made the statement but less than one year after the date WXYZ-TV published the statement. The defendant moved for summary disposition under MCR 2.116(C)(7), arguing that the trigger date for the statute of limitations was the date the defendant made the statement.

The circuit court agreed with the defendant and granted her motion for summary disposition. The court reasoned that the defendant could not be held responsible for WXYZ-TV's publication of the statement. The Michigan Court of Appeals reversed, concluding that the defendant could be held responsible for WXYZ-TV's publication of the statement because the broadcast was a natural result of the interview.

The Michigan Supreme Court reversed the Court of Appeals and in so doing, the Supreme Court analyzed the language of MCL 600.5805(1) and (9), which sets forth the statute of limitations for defamation claims. The Supreme Court held that the statutory language of subsection (1) is "clear and unambiguous" in stating that "a person shall not bring or maintain an action to recover damages for injuries to persons or property unless, *after the claim first accrued to the plaintiff* or to someone through whom the plaintiff claims, the action is commenced within the periods of time prescribed by this section."

This italicized language, the Supreme Court held, shows a legislative intent to require defamation claims be filed within one year from the date the claim "*first*" accrued. Further, the Supreme Court explained, nothing in the statute's plain language supports the Court of Appeals' reading, which lengthened the statute of limitations where republication is anticipated.

Extending this statutory reading of MCL 600.5805(1) and (9) to the facts, the Supreme Court held that the plaintiff's defamation claim accrued when the defamatory statement was first made, i.e., when the defendant made the statement during her interview with WXYZ-TV. Thus, because the plaintiff filed his defamation suit more than one year after the suit accrued, the Supreme Court concluded that the circuit court properly granted the defendant's motion for summary disposition under MCR 2.116(C)(7).

For a complete copy of the Michigan Supreme Court's ruling in the case of *Mitan v Campbell* [click here](#).

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