

Order, Order.

The Court is now in session, with The Hon. Justice [u/advancedgaming12](#) presiding. Justice [/u/ slothsworth](#) also presiding.

Outline of Claim:

- Plaintiff claims the campaign by copelonian was defamatory
- Plaintiff claims if the campaign was defamatory, the SDP is also responsible for the campaign

Judgment:

The Hon. Justice advancedgaming12:

- *The campaign by copelonian was not defamatory*
- *The SDP can not be responsible as it is not defamatory, but even if the campaign was defamatory they would not be responsible for it as they did not provide express permission to go ahead, or even implied permission*
- *No damages awarded*

We start with the claim that the campaign by copelonian was defamatory. In order to determine this, we look primarily to see if a reasonable person would have determined that this campaign was claiming that Winston was looking to “pick up a child”. Plaintiff presents an isolated context, where no other facts are considered aside from the words on the card. If the additional context presented later in this judgment did not exist, the material would have been defamatory.

But the context presented by plaintiff is not how people view things, and there is other context that lends itself to the conclusion that a reasonable person would have understood the reference to the incident in which Winston announced he was picking up his child when all classes were online for what it was, and not for an accusation of pedophilia. Firstly, the appearance of the card itself



Note the background of a zoom meeting, and the reference to zoom stated in the caption. This clearly ties the card to a reference to Winston's online school incident, which most would be familiar with, seeing as it was a major event that occurred on twitter, involving many prominent members of parliament and being reported on in the media. A reasonable person would likely know of the incident and view a poster referring to Winston picking up a child through zoom as a reference to that incident, which would be an event that did actually happen, and it can not be defamatory to spread something that did in fact happen. Were this context not to exist, a reasonable person would draw the inference plaintiff presents and it would be defamation

The card does not need to specifically state “Winston picks up his child through zoom because all schools are online yet he says he picks up his child from school” or something to that effect. One can come to the conclusion that this was a reference to that event simply from the context of the card.

However, it is worth examining the conduct of the respondent. Plaintiff presents evidence of copelonian repeatedly making references to plans to “hide the cards” and copelonian told NGSpy at one point “I suggest you to not post about the cards when I relead eit”(presumably this is meant to say release it) And “make them realised as late as possible” This is not the behavior of someone who thinks their action is not offensive and plaintiff does make note of this.

However, being offensive does not make something defamatory, and examining the relevant context makes it clear that a reasonable person would have understood the reference for what it was, and it being a reference to a fact, it can not be defamatory, as a fact cannot be defamation.

Having settled whether the campaign was defamatory, we now move to whether or not the SDP is responsible. In this case, it is clearly not as the campaign was not defamatory, but even if the campaign were to be defamatory, the SDP would still not be responsible for the simple fact that even though they were aware of it, and had ample opportunity to review it, they never gave permission for the campaign to be posted. There is no doubt that if the SDP were to authorize the publication of defamatory material it could be held responsible, but it would also follow that a party can not be responsible for a member “going rogue” and posting material without permission.

The SDP was clearly aware of the existence of the cards, with both mikiboss and NGSpy having been contacted in relation to them, but neither member of the executive granted permission to post. Mikiboss, responded with “Hmm, interesting, a bit weird however”¹ which clearly shows knowledge of the existence of the cards(which notably, the card in question was not present within the collection presented to him), but in no way conveys an approval to publish.

NGSpy was contacted in relation to the full set of cards² which did contain the card in question, and his initial response was “oof...ummmmm”³ which also does not convey any sort of approval or endorsement. He was contacted in relation to a “fake poster to hide the cards” which he responded to with “noice”⁴ which is certainly an approval, but it was directed at the “fake poster” not the cards that the poster was presented in relation to.

Viewing communications in context, the communications could indicate that the executive knew something is wrong with the cards, but the cards never received a “go

¹ <https://prnt.sc/tgowz4>

² <https://drive.google.com/drive/folders/1WooosA9o3qoy0IOmqtqOSv5qdV4NYtpq>

³ <https://prnt.sc/tgoxiw>

⁴ <https://prnt.sc/tgoxyx>

ahead” from the SDP and as such the party can not be responsible for a publication they did not authorize and had no part in.

In relation to the card, context prevails and shows that the campaign was not defamatory. As for the responsibility of the SDP, none of these details can erase the fact that the SDP never granted approval, and as such can not be held responsible.

The campaign is not defamatory and the SDP is not responsible for the campaign. No damages are awarded to the plaintiff.

Justice _slothsworth: I concur with advancedgaming12