

Barry Wright is an IT specialist with Sullivan Computers. He has been with the company for over 5 years and has a good work record. Recently, Barry started having back trouble and sought medical attention from his physician. Physicians informed Barry that he would need surgery on his back to alleviate a bulging disc. Barry came through the surgery with flying colors; however he continued to be in a lot of pain after the surgery. Barry took the recommended medical leave and returned to work approximately 6 weeks after the surgery. When he returned to work, Barry continued to be in an excessive amount of pain, so he continued to take his prescribed pain medications.

Six months after his return to work, Sullivan Computers performed random drug testing on its employees. Barry, who was still taking some of the pain medications from his back surgery, failed the drug test. Pursuant to company policy, Barry was subsequently terminated for failing the drug test.

The day after Barry was fired was “take your son or daughter to work” day and Sullivan Computers was swarming with kids. Everyone was in place to view a demonstration of Sullivan’s new computer pad line. All the kids had their cameras and flip recorders ready for the big demonstration. Susan, one of Barry’s co-workers, was attending with her daughter and asked Barry’s manager, Terrance why Barry was not a work today. Terrance responded, “He seemed like such a nice guy; who knew the guy was a ‘druggie’? We had to fire him.”

Later that evening, Susan’s daughter replayed the events of the day she had recorded on her i-Pod touch for the family. It was then that Susan noticed her daughter had recorded Terrance’s comments about Barry. Unbeknownst to Susan or Terrance, Susan’s daughter had already posted the video to her Facebook page.

Barry’s son saw the video on Susan’s daughter’s Facebook page and showed it to his Dad. Barry now wants to bring a civil defamation action against Terrance based on Terrance’s comments.

You are interning at a law firm in your home state of Georgia and the senior partner has asked you to prepare a research plan which outlines what type(s) of defamation action(s) would be most viable for Barry’s facts and **briefly** review the possible defenses. The question of jurisdiction is being addressed by another intern.