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UNPUBLISHED OPINION. CHECK
COURT RULES BEFORE CITING.

Superior Court of Connecticut,
J.D. OF TOLLAND.
AT ROCKVILLE.

MOHAMED HUSSAIN ET AL.
v.
MANSOOR QURAISHI ET AL.

DOCKET NO. TTD-CV25-5019431-S
|
MARCH 31, 2026

**MEMORANDUM OF DECISION RE: DEFENDANT'S MOTION TO DISMISS (Entry No. 107.00)**

Graff, J.

***1** On October 22, 2025, the defendant, Mansoor Quraishi, filed a special motion to dismiss, with an accompanying memorandum of law and exhibits. Docket Entry 107. On November 26, 2025, the plaintiffs filed an objection to the special motion to dismiss. Docket Entry 114. On December 3, 2025, the plaintiffs filed a supplemental objection to the special motion to dismiss. Docket Entry 116. Oral argument on the special motion to dismiss was held on December 5, 2025.

On March 4, 2026, the court issued an order to show cause relating to the special motion to dismiss and scheduled a hearing for March 18, 2026. Docket Entry 123. The order notified defendant's counsel that he should be prepared to explain how the brief was prepared, including by what means legal research was conducted. Defendant's counsel was notified that he must be prepared to explain whether generative artificial intelligence (AI) was used in the preparation of the brief filed at Docket Entry 107, and if so, which AI platform was used, and to what extent it was used in the preparation of the brief. The order detailed eight (8) case citations that were problematic, including instances where the cases did not exist; the quotes did not exist; and the citations were wrong. All parties and counsel were required to attend the hearing.

At the hearing, Attorney Quraishi admitted that he used AI to write the special motion to dismiss. Transcript, p. 5:1-12. Attorney Quraishi indicated that he intended to pursue the motion to dismiss, and to rest on the statutory framework. Transcript, p. 12:2-24. The plaintiff did not object to the defendant resting on the statutory framework. The court is mindful that General Statutes § 52-196a confers on the defendant a "special statutory benefit" to file a motion to dismiss. Since the plaintiff did not object to the defendant proceeding with his motion to dismiss, and since the defendant has statutory right to file the special motion to dismiss, the court will consider the defendant's motion to dismiss without the AI generated portions of the brief. See order at Docket Entry 123 for a list of the AI generated/ hallucinated portions of the brief.

FACTS AND PROCEDURAL BACKGROUND

General Statutes § 52-196a (e)(2) provides: "When ruling on a special motion to dismiss, the court shall consider pleadings and supporting and opposing affidavits of the parties attesting to the facts upon which liability or a defense, as the case may be, is based." The court finds the following facts based on the complaint, dated August 26, 2025, and the affidavits submitted by both sides.

Mohamed Hussain, is the sole member of VCare Family Practice LLC. Aiholaney Garcia is an employee of VCare Family Practice LLC. From August 2016 to February 14, 2018, the defendant provided computer/technological support to VCare Family Practice LLC. The defendant was paid in full for all of the invoices that he submitted to the plaintiffs.

From March 2016 through January 2018, the defendant invested some money with VCare Family Practice LLC to open a practice in Hartford. The Hartford practice did not perform well and had to be sold. The sale did not cover the losses and there were no assets to distribute to the investors. Entry 114, Affidavit of Hussain; Entry 105, Affidavit of Quraishi.

***2** Between July 2, 2025, and July 11, 2025, the defendant made ten (10) posts on his Facebook page about the plaintiffs. People were not able to comment on the posts. The posts are as follows:

  

9. July 2, 2025. "Mohamed Altaf Hussain...Aiholaney Torres...These two individuals conspired together to COMMIT INDETITY FRAUD AND THEFT OF A MEDICAL DOCTOR...Mr. HUSSAIN IS A HIGH-LEVEL CRIMINAL...Mr. HUSSAIN also transport CONTROLLED SUBSTANCES to INDIA from the USA and sold them there locally"

10. July 3, 2025. "The MALE NURSE ORGANIZED MEDICAL MAFIA COVEN/ CULT OPERATED BY MOHAMED ALTAF HUSSAIN, APRN known as SHIFA CLINIC in VERNON, CONNECTICUT...TARGETING A MEDICAL DOCTOR...TO IMPERSONATE USE AS HIS GHOST MEDICAL DIRECTOR"

11. July 6, 2025. "TO: MOHAMED ALTAF HUSSAIN, APRN & CO 'DEFRAUDING MEDICARE AND MEDICAID since 2016' ".

12. July 8, 2025. "TO: MOHAMED ALTAF HUSSAIN, APRN et al AIHOLANEY 'LANEY' TORRES YOU GUYS WOULD'VE BEEN BETTER OFF USING DR ZHIVAGO AS YOUR GHOST MEDICAL DIRECTOR FOR SHIFA CLINIC IN ELLINGTON CONNECTION (now in VERNON) INSTEAD OF DR KISHORE THAKUR, A TERMINALLY ILL CANCER PATIENT WITH A COLOSTOMY BAG, LIVING OUT OF HIS CAR IN THE PARKING LOT OF THE MOHEGAN SUN CASINO"

13. July 8, 2025. "You have to explain to criminals like MOHAMED ALTAF HUSSAIN APRN and AIHOLANEY 'LANEY' TORRES...YOU GUYS VIOLATED A CONNECTICUT LAW BY FAILING TO REPORT AN IMPAIRED PRACTITIONER...YOU SCRWED ME OUT OF THOUSANDS OF DOLLARS...I HAVE THE GOOGLE DRIVE WITH ALL THE FAKE DOCUMENTS YOU STAMPED DR KISHORE THAKUR'S NAME ON"

14. July 8, 2025. "To: MOHAMED ALTAF HUSSAIN, APRN BE CLEAR, THIS IS NOT GOING TO STOP UNTIL YOU ARE IN PRISON FOR DEFRAUDING THE FEDERAL GOVERNMENTS MEDICARE and MEDICAID PROGRAMS AS WELL AS VIOLATING THE CONTROLLED SUBSTANCES ACT OF 1970...MARGARET NAVAROLI WANTS TO FILE CHARGES ON THE DEATH OF HER SON, WHILE HE WAS UNDER YOUR CARE FOR SUBOXONE...I believe both of you also stole my social security number."

15. July 8, 2025. "ONE OF OUR PATIENTS NAMED MICHELLE SAID YOU FONDLED HER BREASTS INAPPROPRIATELY WHILE EXAMINING HER AT STAFFORD MEDICAL GROUP"

16. July 8, 2025. "I'M WRITING TO THE JUDGES DIRECTLY ABOUT HOW YOU AND AIHOLANEY TORRES STOLE DR KISHORE THAKUR'S IDENTITY...Also, I have the Google Drive with your fraudulent Medicare documents in it...Also we should let the judges know how you broke into Stafford Medical's Electronic Health Record system and STOLE THEIR PATIENTS, DIVERTING THEM TO SHIFA CLINIC"

17. July 11, 2025. "THEY ARE EXPERTS AT PURJURY (sic) AND HAVE BECOME SUPER COMFORTABLE MAKING FALSE STATEMENTS JUST ONE MORE THING THEY ARE PILING ON THEIR SOON TO BE PUBLIC RECORD OF SERIOUS CRIMINAL OFFENSES AGAINST FEDERAL HEALTHCARE PROGRAMS"

18. July 11, 2025. "COME TO SHARIA LAW CLINIC SO WE CAN ALL RIP OFF MEDICAID"

Entry 100.32, Complaint, ¶¶ 9-18.

As a result of the defendant's Facebook posts from early July 2025, Hussain applied for a Civil Protection Order, Docket Number TTD-CV25-5019232-S. Docket Entry 114, Affidavit of Hussain. On July 21, 2025, the court granted the application for civil protection order for a period of one (1) year against the defendant.

Garcia and the defendant were in a dating relationship for one month in 2015. As a result of the defendant's Facebook posts from early July 2025, Garcia applied for a Restraining Order, Docket Number TTD-FA25-5019231-S. Docket Entry 114, Affidavit of Garcia. The ex parte restraining order was granted, and the order was served in hand on the defendant on July 8, 2025. Docket Entry 114, Affidavit of Garcia. On July 16, 2025, the court issued a restraining order for a period of one (1) year against the defendant. A warrant was issued for the defendant's violation of the restraining order due to Facebook posts made by the defendant. Entry 114, Affidavit of Garcia.

  

***3** The plaintiffs filed the operative complaint on August 26, 2025. In the complaint, the plaintiffs set forth claims for defamation, intentional infliction of emotional distress, negligent infliction of emotional distress and invasion of privacy. On October 22, 2025, the defendant filed the present special motion to dismiss. In the motion to dismiss, the defendant argues that the statements at issue are on matters of public concern and that the plaintiffs do not have probable cause that they will prevail on the merits of their claims. On November 26, 2025, the plaintiffs filed an opposition to the special motion to dismiss. The plaintiffs argue that the special motion to dismiss should be denied as the statements at issue were not made in a public forum and are not of public concern. The plaintiffs also argue that there is probable cause that they will prevail on the merits of their claims.

In their opposition, the plaintiffs claim that the special motion to dismiss was filed to delay the proceedings and that the motion is frivolous. The plaintiffs are seeking attorney's fees for the costs associated with their opposition. The basis for the plaintiffs' argument is that on October 22, 2025, the same day that the special motion to dismiss was filed, the court was scheduled to proceed with a hearing on the plaintiffs' application for prejudgment remedy. By way of the application for the prejudgment remedy, the plaintiffs sought to attach the defendant's ownership interest in real estate located at 2 Davenport Road, West Hartford, Connecticut. The plaintiffs stated in their application for the prejudgment remedy that "[t]here is a reasonable likelihood that Defendant has sold, will, or will attempt to sell, remove, convey dissipate, or conceal assets with the intent to hinder, delay, or defraud Plaintiffs which assets include, but are not limited to, said Defendant's ownership interest in real estate known at 2 Davenport Road, West Hartford, Connecticut." Docket Entry 100.31.

On December 3, 2025, the plaintiffs filed a supplemental opposition to the special motion to dismiss. In the supplemental opposition to the special motion to dismiss, the plaintiffs state that the defendant fraudulently transferred the property located at 2 Davenport Road, West Hartford, Connecticut to his father, Sultan A. Quraishi and a Katharina A. Dienwebel. The plaintiffs argue that the quitclaim deed was recorded on October 22, 2025, and is dated September 14, 2021. The plaintiffs further argue that the quitclaim deed is evidence of the defendant's improper use of the special motion to dismiss to delay the proceedings so that the defendant could transfer the property out of his name before the application for the prejudgment remedy could be ruled on.

A hearing on the special motion to dismiss was held on December 5, 2025. [1]

## DISCUSSION

***4** General Statutes § 52-196a "constitutes a special statutory benefit ... that provides a moving party with the opportunity to have [a] lawsuit dismissed early in the proceeding and stays all discovery, pending the trial court's resolution of the special motion to dismiss." (Citations omitted; internal quotation marks omitted). *Priore* v. *Haig*, 344 Conn. 636, 659, 280 A.3d 402 (2022). "As this court has observed, [a] special motion to dismiss filed pursuant to § 52-196a ... is not a traditional motion to dismiss based on a jurisdictional ground. It is, instead, a truncated evidentiary procedure enacted by our legislature in order to achieve a legitimate policy objective, namely, to provide for a prompt remedy." (Internal quotation marks omitted). *Mulvihill v. Spinnato*, 228 Conn. App. 781, 782–83, 326 A.3d 251, 254, *cert. denied*, 350 Conn. 926, 326 A.3d 248 (2024).

Under § 52-196a, "a party may file a special motion to dismiss when the opposing party's complaint is based on the moving party's exercise of, among other things, the right of free speech or the right to petition the government in connection with a matter of public concern." *Priore*, 344 Conn. at 659. "Pursuant to § 52-196a (e) (3), the moving party bears the initial burden to show by a preponderance of the evidence that the complaint is based on the moving party's exercise of its right of free speech, right to petition the government, or right of association under the Constitution of the United States or the Constitution of the state in connection with a matter of public concern ...." (Internal quotation marks omitted). *Birch Hill Recovery Ctr., LLC v. High Watch Recovery Ctr., Inc.*, 233 Conn. App. 182, 200, 339 A.3d 661 (2025). "If the moving party satisfies that burden, the burden shifts to the nonmoving party to establish that there is probable cause, considering all valid defenses, that the [nonmoving] party will prevail on the merits of the complaint ...." Id. "For a special motion to dismiss to be granted, the court must resolve both prongs in favor of the moving party." (Internal quotation marks omitted.) *Aguilar* v. *Eick*, 234 Conn. App. 281, 287 n.6, 344 A.3d 263 (2025).

  

A. Public Forum

The defendant's statements were made in the public forum. See *Primrose Companies, Inc. v. McGee*, Superior Court, judicial district of Waterbury, Docket No. UWY-CV-21-6062747-S (August 26, 2022, *Pierson, J.*); *Jackson v. Mayweather*, 10 Cal. App. 5th 1240, 1252, 217 Cal. Rptr. 3d 234, 245 (2017), *as modified* (Apr. 19, 2017) (Facebook posts public forum).

The plaintiffs argue that the posts were not made in the public forum because the defendant turned off the public comments. "California courts have held that '[w]eb sites accessible to the public .... are public forums for purposes of the anti-SLAPP statute.' (Internal quotation marks omitted.) *Nygard, Inc.* v. *Uusi-Kerttula*, 159 Cal. App. 4th 1027, 1039, 72 Cal. Rptr. 3d 210 (2008). California courts have analogized internet websites to an electronic public bulletin board 'open to literally billions of people all over the world.' *Choker* v. *Mateo*, 209 Cal. App. 4th 1138, 1146, 147 Cal. Rptr. 3d 496 (2012); see also *Wilbanks* v. *Wolk*, 121 Cal. App. 4th 883, 897, 17 Cal. Rptr. 3d 497 (2004) (public bulletin board 'is public because it posts statements that can be read by anyone who is interested, and because others who choose to do so, can post a message through the same medium that interested persons can read')." (Internal quotation marks omitted). *Holly Estates Development, LLC v. Provenzano*, Superior Court, judicial district of Danbury, Docket No. DBD-CV-24-5021337-S (November 3, 2025, Brazzel-Massaro, J.T.R.). The fact that the defendant turned off the public comments function is not dispositive on the issue of whether the posts were made in the public forum. The defendant's posts were made on Facebook for anyone in the public to see.

B. Matter of Public Concern

***5** The defendant argues that the statements in the posts addressed health and safety and therefore the posts were made on a matter of public concern.

A matter of public concern is defined as "an issue related to (A) health or safety, (B) environmental, economic or community well-being, (C) the government, zoning and other regulatory matters, (D) a public official or public figure, or (E) an audiovisual work ...." General Statutes § 52–196a (a) (1). "Courts have found that mixed questions of private and public concerns may be protected under the first amendment and that the fact that a statement evolves from a personal dispute does not preclude some aspect of it from touching [on] matters of public concern." (Internal quotation marks omitted.) *Robinson* v. *V. D.*, 346 Conn. 1002, 1009, 293 A.3d 345 (2023). Generally, speech arising from a personal dispute implicates a matter of public concern when the content of the speech concerns not only the individual but could conceivably be of concern to the general public. See id., 1010 (finding public concern where speech extended beyond parties to systemic issues within governmental entity and broader community interests); see also *Balasubramanian v. Patel*, Superior Court, judicial district of Hartford, Docket No. HHD CV 25-6202901S (January 5, 2026, *Shaikh, J.*). "As the United States Court of Appeals for the Second Circuit recently stated: [S]peech on matters of public concern is at the heart of [f]irst [a]mendment protection.... Whether speech addresses a matter of public concern is to be determined by the content, form, and context of [the relevant] statement, as revealed by the whole record.... Speech that relates to any matter of political, social, or other concern to the community ... which may include conduct implicat[ing] public safety and welfare ... for example, generally falls within the heart of the [f]irst [a]mendment's protection." (Citations omitted; internal quotation marks omitted.) *Robinson v. V. D.*, 229 Conn. App. 316, 338–39, 328 A.3d 198 (2024).

"Because Connecticut's anti-SLAPP statute was so recently enacted, Connecticut courts routinely refer to other states' case law, including California and Nevada, to interpret the Connecticut statute." *Sicignano* v. *Pearce*, 228 Conn. App. 664, 678, 325 A.3d 1127 (2024). "[C]ourts in California and Nevada ... have utilized the following principles for distinguishing between a public and private interest: 'First, public interest does not equate with mere curiosity.... Second, a matter of public interest should be something of concern to a substantial number of people.... Thus, a matter of concern to the speaker and a relatively small, specific audience is not a matter of public interest.... Third, there should be some degree of closeness between the challenged statements and the asserted public interest ... the assertion of a broad and amorphous public interest is not sufficient .... Fourth, the focus of the speaker's conduct should be the public interest rather than a mere effort to gather ammunition for another round of [private] controversy...." *Robinson* v. *V.D.*, 229 Conn. App. at 339 (citing *Weinberg* v. *Feisel*, 110 Cal. App. 4th 1122, 1132, 2 Cal. Rptr. 3d 385 (2003); *Smith* v. *Zilverberg*, 137 Nev. 65, 68, 481 P.3d 1222 (2021); 61A Am. Jur. 2d 448, Pleading § 380 (2021)).

***6** In the present case, some of the allegations of the complaint are about a private dispute between former co-

workers that escalated into a course of frequent social media posting about the plaintiffs' personal and business relationships. See *Balasubramanian, supra; Robinson* v. *V. D.*, supra, 346 Conn. 1010. The content of the social media posts in paragraphs 11, 12, 13, 14, and 16 of the complaint demonstrate the personal dispute between the parties. The defendant wrote several of the social media posts directly addressed to the plaintiffs, starting the social media posts with the greeting "To:" followed by the plaintiff's names. See above list, posts at paragraphs 11, 12, 14. In addition, the defendant frequently used the word "you" in the posts to speak directly to the plaintiffs. For example, he wrote: "You guys violated a Connecticut law by failing to report an impaired practitioner." He also wrote: "You scrwed [sic] me out of thousands of dollars." See above list, post at paragraph 13. The defendant also addressed the plaintiffs, telling them that he planned to write to the judges about the plaintiffs' participation in identity fraud and Medicare fraud. See above list, post at paragraph 16. The defendant wrote this post on the same day that he was served in hand with the ex parte restraining order. The fact that the defendant addressed the posts to the plaintiffs and spoke directly to the plaintiffs in the posts undermines his argument that he was using the posts "to inform the public about critical healthcare issues." Docket Entry 107, p. 15. See *Holly Estates Development, LLC*, supra (postings to Google and Better Business websites were personal in nature by using "*our* experience... *our* interactions..." and "*our* opinion of the work done on our property and *our* dissatisfaction with how the entire situation was handled by the plaintiffs..." (Emphasis in original)).

In addition, by looking at the context of the posts, the timing of the defendant's posts cast doubt on the defendant's argument that he is now trying to warn the public about the plaintiffs' activities that occurred several years ago. The defendant wrote at least two if not more of the posts after being served with the ex parte restraining order. Complaint, ¶¶ 17-18. The business and personal relationships between the parties ended seven (7) years ago. Any concern that the defendant had about the plaintiffs' alleged fraudulent activities could have been addressed years ago. The defendant provides no credible explanation for this lapse in time. [2]

The posts in paragraphs 11, 12, 13, 14 and 16 of the complaint do not bring to the forefront a matter of public concern but are without a doubt a personal dispute between the parties. The court finds that defendant has failed to make an initial showing that the posts in paragraphs 11, 12, 13, 14 and 16 are on matters of public concern.

Turning to the posts in paragraphs 9, 10, 15, 17 and 18, the defendant has met his burden of showing that they involve matters of public concern. Importantly, the defendant is not speaking directly to the plaintiffs in these specific posts. Although the defendant uses the word "you" in the post in paragraph 15, it is not clear who "you" is. The posts in paragraphs 9, 10, 15, 17 and 18 refer to Medicaid fraud, impersonation of a doctor, identity fraud, transportation of controlled substances from a foreign country, and inappropriate touching during a medical examination. These posts address matters of health and safety that concern the public.

C. Probable Cause to Prevail on the Merits

1. Defamation

The court must now determine if the plaintiffs have probable cause to prevail on the merits of their claims relating to the posts in paragraphs 9, 10, 15, 17 and 18 of the complaint.

"The legal idea of probable cause is a bona fide belief in the existence of the facts essential under the law for the action and such as would warrant a man of ordinary caution, prudence and judgment, under the circumstances, in entertaining it." (Internal quotation marks omitted.) *Elder* v. *Kauffman*, 204 Conn. App. 818, 825, 254 A.3d 1001 (2021). "Proof of probable cause is not as demanding as proof by preponderance of the evidence ... and is substantially less than that required for conviction under the reasonable doubt standard." (Citation omitted; internal quotation marks omitted.) *Mulvihill*, 228 Conn. App. at 790. "Probable cause is a flexible common sense standard ... [that] does not demand that a belief be correct or more likely true than false." (Internal quotation marks omitted.) *36 DeForest Avenue, LLC* v. *Creadore*, 99 Conn. App. 690, 695, 915 A.2d 916, cert. denied, 282 Conn. 905, 920 A.2d 311 (2007).

***7** "In assessing whether the plaintiff established probable cause that it would prevail under the second prong of § 52-196a (e) (3), the court must construe the pleadings, affidavits, and other proof submitted in the light most favorable to the [plaintiff] ... and determine whether the plaintiff has stated a legally sufficient claim and made a prima facie factual showing sufficient to sustain a favorable judgment." *Birch Hill Recovery Ctr., LLC*, 233 Conn. App. at 200–01.

  

In counts one, five and nine, the plaintiffs set forth claims of defamation. The plaintiffs allege and argue that the statements are defamatory because the defendant made statements of fact and because they are defamation per se. "A defamatory statement is defined as a communication that tends to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating or dealing with him ...." (Internal quotation marks omitted.) *NetScout Systems, Inc.* v. *Gartner, Inc.*, 334 Conn. 396, 410, 223 A.3d 37 (2020). "Defamation is comprised of the torts of libel and slander. Defamation is that which tends to injure reputation in the popular sense; to diminish the esteem, respect, goodwill or confidence in which the plaintiff is held, or to excite adverse, derogatory, or unpleasant feelings or opinions against him." (Internal quotation marks omitted.) *DeVito* v. *Schwartz*, 66 Conn. App. 228, 234, 784 A.2d 376 (2001). "Slander is oral defamation.... Libel ... is written defamation." (Internal quotation marks omitted.) *Mercer* v. *Cosley*, 110 Conn. App. 283, 297, 955 A.2d 550 (2008). "Whether words are actionable per se is a question of law for the court.... All of the circumstances connected with the publication of defamatory charges should be considered in ascertaining whether a publication [i]s actionable per se." (Citations omitted.) *Miles* v. *Perry*, 11 Conn. App. 584, 586-87 and 602-604, 529 A.2d 199 (1987) (affirming trial court's finding, even though plaintiff only claimed humiliation and mental anguish, that defendants' remarks about plaintiff were actionable per se as libel and slander wherein they falsely claimed she misappropriated funds during church meeting). "Libel or slander is ... actionable per se if it charges a crime involving moral turpitude or to which an infamous penalty is attached"; (citations omitted) id., 602; but a statement is "not slanderous per se if [it] charge[s] no more than specific acts, unless those acts are so charged as to amount to an allegation of general incompetence or lack of integrity." *Proto* v. *Bridgeport Herald Corp.*, 136 Conn. 557, 567, 72 A.2d 820 (1950). "When the defamatory words are actionable per se, the law conclusively presumes the existence of injury to the plaintiff's reputation. [The plaintiff] is required neither to plead nor to prove it." (Internal quotation marks omitted.) *Lowe* v. *Shelton*, 83 Conn. App. 750, 766, 851 A.2d 1183, cert. denied, 271 Conn. 915, 859 A.2d 568 (2004). "To prevail on a common-law defamation claim, a plaintiff must prove that the defendant published false statements about her that caused pecuniary harm." *Daley* v. *Aetna Life & Casualty Co.*, 249 Conn. 766, 795, 734 A.2d 112 (1999).

In order to support a cause of action for defamation, "the statement in question must convey an objective fact, as generally, a defendant cannot be held liable for expressing a mere opinion." Id. "Although it is clear that expressions of opinion are constitutionally protected, the determination of whether a specific statement is one of opinion or one of fact is difficult ... [and] must be made from the perspective of an ordinary reader of the statement. Some of the factors used to make this determination are: (1) its truth or falsity; (2) the language used; and (3) its context." (Internal quotation marks omitted.) *Scandura* v. *Friendly Ice Cream Corp.*, Superior Court, judicial district of Hartford-New Britain at Hartford, Docket No. CV-93-0529109-S (July 5, 1994, *Hennessey, J.*). "A statement can be defined as factual if it relates to an event or state of affairs that existed in the past or present and is capable of being known.... In a libel action, such statements of fact usually concern a person's conduct or character.... An opinion, on the other hand, is a personal comment about another's conduct, qualifications or character that has some basis in fact." (Citations omitted; emphasis omitted.) *Goodrich* v. *Waterbury Republican-American, Inc.*, 188 Conn. 107, 111, 448 A.2d 1317 (1982). Although "this distinction [between fact and opinion] may be somewhat nebulous ... [t]he important point is whether ordinary persons hearing or reading the matter complained of would be likely to understand it as an expression of the speaker's or writer's opinion, or as a statement of existing fact." (Internal quotation marks omitted.) Id., 111-12. "[I]f the alleged defamatory words could not reasonably be considered defamatory in any sense, the matter becomes an issue of law for the court.... When such a determination is made, the words that are claimed to be defamatory are given their natural and ordinary meaning and are taken as reasonable persons would understand them.... Moreover, the words must be viewed in the context of the entire editorial." (Citations omitted; internal quotation marks omitted.) *Dow* v. *New Haven Independent, Inc.*, 41 Conn. Supp. 31, 36, 549 A.2d 683 (1987).

***8** "At common law, [t]o establish a prima facie case of defamation, the plaintiff must demonstrate that: (1) the defendant published a defamatory statement; (2) the defamatory statement identified the plaintiff to a third person; (3) the defamatory statement was published to a third person; and (4) the plaintiff's reputation suffered injury as a result of the statement." (Emphasis omitted; internal quotation marks omitted.) *Stevens* v. *Khalily*, 220 Conn. App. 634, 642, 298 A.3d 1254, cert. denied, 348 Conn. 915, 303 A.3d 260 (2023).

  

The defendant admits in his affidavit that he made the statements to inform the public. Docket Entry 107, Exhibit A. He also swears that he made the statements based on factual information that he observed or confirmed through reliable sources. Furthermore, the plain language of the posts indicates that they are meant to convey statements of fact. The defendant does not use language that suggests that he is giving an opinion about the plaintiffs, rather he uses definitive language as if he is providing factual statements. The defendant's statements could be objectively verified. The defendant's statements contained in the Facebook posts in paragraphs 9, 10, 15, 17 and 18 of the complaint are statements of fact.

The defendant's statements were published to a third person. The defendant published his statements on his public Facebook page. The defendant admits in his affidavit that he made the statements to inform the public. It is clear that the defendant published his statements on Facebook for the public to see. [3]

The plaintiff argues that statements contained in the Facebook posts are defamation per se. To fall under the category of defamation per se, the plaintiff must demonstrate that the defamatory speech is either: "(1) statements that accuse a party of a crime involving moral turpitude or to which an infamous penalty is attached, [or] (2) statements that accuse a party of improper conduct or lack of skill or integrity in his or her profession or business and the statement is calculated to cause injury to that party in such profession or business." (Internal quotation marks omitted.) Id. at 646-47. Connecticut courts have clarified: "[M]oral turpitude ... [remains] a vague and imprecise term to which no hard and fast definition can be given.... A general definition ... is that moral turpitude involves an act of inherent baseness, vileness or depravity in the private and social duties which man does to his fellowman or to society in general, contrary to the accepted rule of right and duty between man and law." (Internal quotation marks omitted.) *Silano* v. *Cooney*, 189 Conn. App. 235, 244 n.8, 207 A.3d 84 (2019). Some libelous statements are actionable per se so long as the libel is one which charges a crime which involves moral turpitude or to which an infamous penalty is attached. *Proto* v. *Bridgeport Herald Corp.*, supra, 136 Conn. 566.

***9** The defendant accuses the plaintiffs of committing crimes to the statements contained in the Facebook posts in paragraphs 9, 10, 15, 17 and 18 of the complaint. The defendant accuses the plaintiffs of committing the fraud, theft, Medicaid and Medicare fraud, perjury, identity theft; sexual assault; impersonation; fraud; and drug trafficking. The crimes hold severe penalties. The defendant also accuses the plaintiffs of not having the proper conduct or skill or integrity in their professions. Based on the facts and circumstances of the relationship between the parties, it is reasonable to believe that the statements were made to cause injury to the plaintiffs' business.

"When the defamatory words are actionable per se, the law conclusively presumes the existence of injury to the plaintiff's reputation". (internal quotation marks omitted) *Stevens*, supra, 220 Conn. App. at 646. Thus, the plaintiffs are not required to plead or prove any special damages or reputational harm. The plaintiffs have met their burden of demonstrating probable cause that they will prevail on the merits on their claims of defamation.

2. Intentional and Negligent Infliction of Emotional Distress

In counts two, three, six and seven, the plaintiffs set forth claims of intentional infliction of emotional distress and negligent infliction of emotional distress. A claim for intentional infliction of emotional distress requires proof: "(1) that the actor intended to inflict emotional distress or that he knew or should have known that emotional distress was the likely result of his conduct; (2) that the conduct was extreme and outrageous; (3) that the defendant's conduct was the cause of the plaintiff's distress; and (4) that the emotional distress sustained by the plaintiff was severe." *Appleton* v. *Board of Education,* 254 Conn. 205, 210, 757 A.2d 1059 (2000). "Liability for intentional infliction of emotional distress requires conduct that exceeds all bounds usually tolerated by decent society.... Liability has been found only where the conduct has been so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.... Conduct on the part of the defendant that is merely insulting or displays bad manners or results in hurt feelings is insufficient to form the basis for an action based upon intentional infliction of emotional distress." (Citations omitted; internal quotation marks omitted.) Id., 210-11. Whether conduct is extreme and outrageous for purposes of a claim for intentional infliction of emotional distress is "initially a question for the court to determine." Id., 210.

  

To prove a claim for negligent infliction of emotional distress, the plaintiff must establish: "(1) the defendant's conduct created an unreasonable risk of causing the plaintiff emotional distress; (2) the plaintiff's distress was foreseeable; (3) the emotional distress was severe enough that it might result in illness or bodily harm; and (4) the defendant's conduct was the cause of the plaintiff's distress." *Carrol* v. *Allstate Ins. Co.*, 262 Conn. 433, 444, 815 A.2d 119 (2003).

The conduct of the defendant in writing the statements in the Facebook posts establishes probable cause for intentional and negligent infliction of emotional distress. Garcia avers that the defendant harassed her through the Facebook posts so much so that she filed a restraining order against the defendant. Docket Entry 114, Garcia Affidavit, ¶¶ 8-12. Garcia also avers that the content of the statements about criminal activity are false. Id. Similarly, Hussain avers that the defendant's statements on Facebook were harassing and threatening, causing Hussain to file for a civil protective order. Docket Entry 114, Hussain Affidavit, ¶¶ 5-10. Hussain also avers that the content of the statements about criminal activity are false. Id. There is also evidence that the defendant continued to post statements after the civil protective order and restraining order were put in place, which reasonably can establish both intentional and negligent infliction of emotional distress. The documents submitted together with the allegations in the complaint tend to establish conduct that was intended or known to be likely to cause severe emotional distress, that did cause severe emotional distress and was "extreme or outrageous" conduct, all necessary elements of intentional infliction of emotional distress. See *Gleason*, 319 Conn. at 406 n. 14.

***10** The documents submitted together with the allegations in the complaint establish that there is probable cause to believe that the plaintiffs will prevail on their claims for negligent infliction of emotional distress. The statements on Facebook were negligently posted. There is probable cause that the statements would foreseeably cause emotional distress severe enough that it might result in illness or bodily harm or that the defendant's conduct would cause the plaintiffs' distress.

The plaintiffs have met their burden of demonstrating probable cause that they will prevail on the merits on their claims of intentional infliction of emotional distress and negligent infliction of emotional distress.

3. Invasion of Privacy

In counts four and eight, the plaintiffs set forth claims for invasion of privacy. "To establish a false light invasion of privacy claim, the claimant must show that 'the false light in which [she] was placed would be highly offensive to a reasonable person, and ... the actor had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which [she] would be placed.... The essence of a false light privacy claim is that the matter published concerning the [claimant] (1) is not true ... and (2) is such a major misrepresentation of [her] character, history, activities or beliefs that serious offense may reasonably be expected to be taken by a reasonable [person] in [her] position.' " *Borg v. Cloutier*, 200 Conn. App. 82, 109 (2020) (citations omitted).

Superior Courts have followed the Restatement commentary in determining whether the "publicity" element of a false light invasion of privacy claim is satisfied. *Karlen v. Saleeb*, Superior Court, judicial district of Stamford, Docket No. FST CV 21-5025649 S (February 1, 2024, *Krumeich, J.T.R.*):

> "3 Restatement (Second) Torts, Invasion of Privacy § 652E, comment a, pp. 394-95 (1977), incorporates the discussion on the difference between publication and publicity found in § 652D. 'Publication'... includes any communication by the defendant to a third person. 'Publicity'... means that the matter is made public, by communicating it to the public at large, or to so many persons that the matter must be regarded as substantially certain to become one of public knowledge. The difference is not one of the means of communication ... It is one of a communication that reaches, or is sure to reach, the public ... The distinction ... is one between private and public communications.' 3 Restatement (Second) Torts, Invasion of Privacy § 652D, comment a, p. 384 (1977).' "

Accord, *Pearce v. Miele*, 2016 WL 785557*8 (Conn. Super. 2016) (Noble, J.) (and cases collected therein).

The court has already concluded that the defendant posted his statements on Facebook in the public forum, and the defendant does not contest this fact. Therefore, the defendant's statements were public communications. As to the remainder of the elements of the false light claim, the plaintiffs have submitted evidence that the statements are not true. Likewise, as discussed above, the defendant's statements relate to the plaintiffs committing crimes and to

their professional behaviors. The plaintiffs have submitted evidence that these statements are major misrepresentations of their characters and that a reasonable person in their position would be offended if they were the subject of these statements. The plaintiffs have met their burden of demonstrating probable cause that they will prevail on the merits on their claims for invasion of privacy.

D. Attorney's Fees

***11** The plaintiffs seek an award of attorney's fees under § 52-196a (f) (2). Section 52-196a (f) (2) allows this court to award attorney's fees if it concludes that the special motion to dismiss was "frivolous and solely intended to cause delay". The defendant addressed this issue in his reply at docket entry 118.

Even though this court has denied the motion to dismiss, on this record, this court cannot find that the arguments were frivolous and solely intended to cause delay.

The motion to dismiss is denied.

**All Citations**

Not Reported in Atl. Rptr., 2026 WL 948918

## Footnotes

1 The plaintiffs filed a request for leave to file an amended complaint and an amended complaint on November 26, 2025, almost a month after the motion to dismiss was filed. See Docket Entry 110. In the amended complaint, the plaintiffs sought to add address the defendant's arguments raised in the motion to dismiss by adding additional allegations. The Appellate Court has not addressed whether a complaint can be amended while a special motion to dismiss is pending. See Pryor v. Brignole, 231 Conn. App. 659, 666, n.7, 333 A.3d 1112 (2025). However, in *Pryor*, the court referred to the decision in *Birch Hill Recovery Center, LLC* v. *High Watch Recovery Center, Inc.*, Superior Court, judicial district of Litchfield, Docket No. CV-23-6034689-S (February 23, 2024, *Lynch, J.*) for the proposition that a complaint cannot be amended while a special motion to dismiss is pending. While *Birch Hill Recovery Center, LLC* was affirmed on other grounds a month after *Pryor* was decided, this court adopts the sound reasoning set forth in the *Birch Hill Recovery Center, LLC* superior court's decision relative to the amended complaint. This decision only addresses the original complaint filed at docket entry 100.32.

2 In support of his motion to dismiss, the defendant submitted copies of United States Postal Service tracking cards to the Department of Public Health, dated October 15, 2025, and October 21, 2025. The record before the court does not indicate what was sent to the Department of Public Health but whatever was sent was done during the pendency of this action and well after the defendant and the plaintiffs parted ways. Based on the record before it, the court is not presented with a situation where the defendant petitioned the government for suspected criminal activity or improper activity. See *Reid v. Harriman*, Superior Court, judicial district of Fairfield at Bridgeport, Docket No. CV196083510S (October 28, 2019, *Welch, J.*).

3 The defendant claims that the statements contained in the Facebook posts are true, and claims truth as a special defense. The plaintiffs have denied all of the conduct, particularly the criminal conduct alleged by the defendant's statements. The plaintiffs have provided sworn statements that there was no identity theft. Docket Entry 114, Affidavit of Hussain, ¶¶ 22, 23. They refute that they used a "ghost doctor" to sign documents. Docket Entry 114, Affidavit of Hussain, ¶ 19; Affidavit of Shaikh, ¶¶ 20-21. The plaintiffs provided sworn statements that they have not defrauded any federal reimbursement programs, and that any money owed to the defendant was paid. Docket Entry 114, Affidavit of Garcia, ¶¶ 15-16; Affidavit of Hussain, ¶¶ 25, 30. The court finds that there is probable cause to find that the plaintiffs would defeat the defendant's special defense.

  

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