

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

JAUREGUI LAW FIRM, RAUL
JAUREGUI, ESQ., and DANIEL BOYE

Plaintiffs/Appellants

vs.

INSIDE HIGHER ED, JOHANNA
ALONSO, DYLLER SOLOMON LAW
FIRM AND
BARRY DYLLER, ESQ.,

Defendants/Appellees

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS

~~JUNE~~ ^{MAY} TERM, 2024
NO. 00990

1226 EDA 2025

FILED

2025 JUN 13 PM 12:48

JUDICIAL RECORDS
1st JUDICIAL DISTRICT PA

OPINION

Younge, J.

The matter before the Trial Court originated from a Claim filed on May 8th, 2024, by Plaintiffs Jauregui Law Firm, Raul Jauregui Esquire., and Daniel Boye (hereafter referred to as “the Plaintiffs”) against Defendants Inside Higher Ed, Johanna Alonso, Dyller Solomon Law Firm and Barry Dyller Esquire (hereafter referred to as “the Defendants”). On May 7, 2025, the Plaintiffs, through their attorney Raul Jauregui Esquire., filed a Notice of Appeal of the Trial Court’s Order granting the Defendants’ Motion for Clarification and Reconsideration of its initial filing of the Motion of Judgment on the Pleadings. Pursuant to Rule 1925(b) of the Pennsylvania Rules of Appellate Procedure, the Appellants’ Statement of Matters Complained Of on Appeal, was filed on May 18, 2025. This Court now submits the following Opinion in support of its ruling and in accordance with the requirements of Rule 1925(a) of the Pennsylvania Rules of Appellate Procedure. For the reasons set forth below, the Court’s decision should be affirmed.

OPFLD-Jauregui Law Firm Etal Vs Inside Higher Education [ACH]



24050099000086

STANDARD OF REVIEW

Under Pennsylvania law, a Motion for Judgment on the Pleadings is granted only where the pleadings demonstrate that no genuine issue of fact exists, and the moving party is entitled to judgment as a matter of law, considering the facts alleged in the pleadings as well as documents attached to them. *Sisson v. Stanley*, 109 A3d. 265, 274 (Pa. Super., 2015); GOODRICH AMRAM 2D § 1034(b):3.

PROCEDURAL AND FACTUAL HISTORY

On May 8th, 2024, the Plaintiffs filed a Civil Complaint against the Defendants alleging defamation, false light and commercial disparagement. The suit arises from an article authored by Johanna Alonso and published by Inside Higher Ed on June 13, 2023 (hereafter referred to as “the Article”). The Defendants timely filed their Answer and New Matter. Plaintiffs’ response to the New Matter was due August 28, 2024, but was not filed until September 26, 2024, nearly a full month later than the procedural due date. The authenticity of the Inside Higher Ed article has not been disputed by either party. The Court initially denied the Defendants’ Motion for Judgment on the Pleadings on March 24, 2025, but upon further review granted the Defendants’ subsequent Motion for Clarification and Reconsideration on May 6, 2025, and Judgment was entered in favor of the Defendants.

The 2023 Inside Higher Ed article (hereafter referred to as “the Article”), central to this case, is a brief synopsis of a series of Title IX suits stemming from an alleged rape that occurred at King’s College in Wilkes-Barre Pennsylvania. In under five pages, the Article describes an initial Title IX suit filed by a female student against Plaintiff Daniel Boye, three Title IX counter-suits filed by Mr. Boye against the female student, her mother and her friend, and yet another suit filed by the three women against Mr. Boye and Mr. Jauregui alleging that Mr.

Boye's counter-suits constituted an abuse of the legal process and were a deterrent designed to intimidate the women. The Article notes that Mr. Boye was expelled from King's College. In addition, the Article quotes attorneys involved in the suits (including Mr. Jauregui) and a Title IX expert, discusses the potential legal implications of Title IX "countersuits", and whether Title IX proceedings at colleges constitute quasi-legal proceedings.

ISSUES

Ordinarily the Court's Opinion would provide a succinct list of the issues within the Appellants' Statement of Matters Complained of and address each of those issues individually. However, because the Appellants failed to subscribe to general formatting, the Court has chosen to respond in a single, general statement.

DISCUSSION

The Trial Court did not commit reversible error in granting the Defendants' Motion for Clarification and Reconsideration of the initial Judgment on the Pleadings in favor of Defendants. Based on the Appellants' failure to establish any basis for their claim under the law, the Trial Court's ruling should be affirmed.

Upon review of the Article and other documents attached to the Plaintiffs' pleadings, this Court has determined that Defendants are entitled to judgment as a matter of law because the Article is substantially true and accurate. The Plaintiffs claim that the Article is "vile" (Compl. ¶ 11), "drips with venomous derogatory false fact" (Compl. ¶ XI) and was written and published by "depraved liars . . . who claim to be journalists." (Compl. ¶ 11). However, despite the Article's brevity, the Plaintiffs are unable to point to any material falsity contained therein.

Plaintiffs' examples of alleged defamation are convoluted, semantic, but not defamatory. For example, Plaintiffs argue that the statement "the University ultimately found the female

student was not responsible for any sexual misconduct, while the male student, Daniel Boye, was found responsible for rape and expelled” (Compl. ¶ 44(h)) is defamatory because it implies that Mr. Boye was found guilty or liable for rape in a formal court. This argument betrays a fundamental misunderstanding of defamation because the Article’s statement is literally true and does not portray Title IX proceedings at King’s College as formal trials in a civil or criminal court. Plaintiffs even argue the Article’s mere use of the term “rape” is defamatory because the term should only be applicable after being adjudicated in court. Compl. ¶ 28. This argument is also without merit; Plaintiffs are not able to supplement colloquial understandings of common terms with their own hyper-specific definitions.

The Plaintiffs’ complaint contains numerous other examples of opinion being misconstrued as fact, common words and phrases being assigned new, convoluted definitions, and instances where quotes by individuals interviewed in the Article are somehow attributed to the Defendants. It is unclear to this Court how allowing this case to proceed to discovery would transform the content of a substantially true and accurate article into something defamatory; Plaintiffs’ aversion to the Article’s content alone provides no basis for any of the causes of action asserted.

Additionally, the Defendants are protected by the Fair Report Privilege. The law has long recognized a privilege for the press to publish accounts of official proceedings or reports even when these contain defamatory comments; so long as the account presents a fair and accurate summary of the proceedings, the law abandons the assumption that the reporter adopts the defamatory remarks as his own. *Medico v. Time, Inc.*, 643 F.2d 134, 137-38 (3d Cir. 1981). The Article clearly falls under the protection of the Fair Report Privilege. The Article is consistent with the relevant documents and proceedings of the Title IX hearings and the Plaintiffs have

failed to meet the burden of demonstrating that the privilege is inapplicable or has been abused in any way.

CONCLUSION

For the foregoing reasons, this Trial Court respectfully requests that its Order be affirmed in its entirety.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Lyris F. Younge". The signature is written in a cursive, flowing style with a large initial "L".

LYRIS F. YOUNGE, J.