



**The New York Times** | <http://nyti.ms/1OJDbw8>

**MEDIA**

# Defamation Suits Against Cosby Point to Peril of Belittling Accusers

By **SYDNEY EMBER** and **GRAHAM BOWLEY** NOV. 13, 2015

In the last 12 months, dozens of women who for years stayed silent or said little have come forward to accuse the entertainer Bill Cosby of sexually assaulting them, only to find that it was too late to sue him on grounds directly related to the accusations, because of the statute of limitations.

So in what they view as a last bid for justice, many of the women are now pursuing what they see as their only legal alternative: suing Mr. Cosby for defamation.

On Friday, four new women joined an existing federal defamation lawsuit against the entertainer brought by three other women in Massachusetts. Mr. Cosby now faces four separate defamation cases against him, one each in Pennsylvania and California and two in Massachusetts; 10 women in total are seeking redress on defamation claims.

The women claim they were branded liars after they came forward in the last year, when Mr. Cosby's lawyers and other representatives dismissed their allegations of assault as fabrications.

The defamation suits represent a backdoor for the women to take Mr. Cosby to court, legal experts say, and a rare one, in part because it can be a tough case to win. To prove defamation, experts said, the women will need to go a long way

toward showing that the underlying acts of assault occurred.

Many of the women say they were assaulted as far back as the 1960s, 1970s and 1980s and the deadline to bring criminal charges or file lawsuits directly related to the accusations has long passed.

“Thankfully, I am able to go to court and present my proof that I am telling the truth,” Barbara Bowman, one of the women who joined the Massachusetts defamation suit on Friday, said in a telephone conference call held by her lawyer, Joseph Cammarata. Ms. Bowman says she was drugged and raped by Mr. Cosby in the 1980s.

“I now am in a position where I have a right to tell my side of the story under oath in a court of law,” she said.

Monique Pressley, a lawyer for Mr. Cosby, declined to comment on the amended defamation case Friday. Mr. Cosby has denied all wrongdoing and has never been charged with a crime.

Beyond the consequences for Mr. Cosby and the women, the cases open a conversation on the ground rules for how vehemently a lawyer can speak out in a defense of a client who says he is wrongfully accused. In the Cosby case, Martin D. Singer, his former lawyer, was known as a particularly aggressive advocate. His outspokenness is often credited with having helped Mr. Cosby dismiss the earliest of the accusations, but that combativeness may well have had a flip side.

The cases against Mr. Cosby are based on statements made by several of his lawyers and representatives, including Mr. Singer.

In one statement last November that is cited in three of the four defamation suits, Mr. Singer said, “The new, never-before-heard claims from women who have come forward in the past two weeks with unsubstantiated, fantastical stories about things they say occurred 30, 40 or even 50 years ago have escalated far past the point of absurdity.”

In general, legal experts say, people have the right to defend themselves publicly against accusations. But there is also a fine line between a defensive statement and a defamatory one, made hazier when the statements are by the defendant's representatives and not the defendants themselves.

The women suggest that Mr. Singer and others, acting on behalf of Mr. Cosby, did not simply deny the accusations but cast aspersion on them by attacking them personally and branding them liars.

"Is the lawyer defending the client or is the lawyer attacking the women?" said Eve Burton, general counsel for the Hearst Corporation.

Rusty Hardin, a Texas lawyer who represented the former major-league pitcher Roger Clemens in a defamation suit brought by his former trainer, said in an interview: "Generally speaking, everybody has the right to deny accusations against them without in and of itself committing defamation. But if you start taking shots at a person, then it becomes a different deal."

Essentially, lawyers say, the suits hinge on whether the women can show they were telling the truth about accusations of sexual assault that occurred many years ago, and that Mr. Cosby, through his representatives, was thus lying when he called their allegations false. The women will also have to prove that Mr. Cosby and his agents knew or should have known that the statements made in Mr. Cosby's defense were false.

In the Massachusetts case filed by Tamara Green, Therese Serignese and Linda Traitz, and joined on Friday by the four other women, the judge last month rejected Mr. Cosby's motion for dismissal and said the case could proceed.

The judge argued, among other things, that statements included assertions of fact that could be proven true or false at trial, and that a jury would have to decide whether they were defamatory or not.

In addition to Ms. Bowman, the three other women who sued Mr. Cosby on Friday are Joan Tarshis, Louisa Moritz and Angela Leslie. Ms. Leslie, of Michigan,

says she was assaulted in a hotel room in Las Vegas in 1992. Ms. Tarshis, of New York, says she was drugged and raped on two occasions around 1969 or 1970.

Ms. Moritz, of California, says she was assaulted in 1969.

In many respects, the defamation cases are a consequence of the aggressive media strategy that Mr. Cosby long used to rebut accusations of sexual assault. The number of accusations did not increase sharply until last year, but Mr. Cosby had for years been the subject of rumors, and some outright allegations, that his team of representatives had been masterful at quashing.

Mr. Singer, considered one of Hollywood's best-known and most aggressive celebrity defenders, was at the forefront of that effort.

After a woman named Judy Huth filed a lawsuit in California against Mr. Cosby last year, for example, Mr. Singer said in court papers that her claim was "meritless" and nothing short of "a shakedown." He said that Ms. Huth — who accused Mr. Cosby of forcing her to perform a sex act on him in 1974 at the Playboy Mansion when she was 15 — and her former lawyer, Marc S. Strecker, had demanded money in exchange for not going public and that Ms. Huth had tried unsuccessfully to sell her allegations to a tabloid 10 years earlier. Ms. Huth has filed a separate civil suit against Mr. Cosby in California.

But what works as a public relations strategy may be problematic as a legal one, experts said. Mr. Cosby's team may have come to that conclusion as well. Since the first defamation suit was filed, his team — including Mr. Singer and Mr. Cosby's longtime publicist, David Brokaw — have said little to defend him.

Mr. Cosby replaced Mr. Singer last month with a new lawyer, Christopher Tayback of Quinn Emanuel Urquhart & Sullivan, which specializes in business litigation.

Mr. Singer did not respond to a request for an interview. Last month, he told The Associated Press, "Our firm has substituted out of the cases and I'm not going to comment on that, however we're happy to assist in the transition of the cases to

the new attorneys.”

A version of this article appears in print on November 14, 2015, on page B1 of the New York edition with the headline: Defamation Suits Against Cosby Point to Peril of Belittling Accusers .

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