**CAPTION: OLTHAUS V. NIESEN**

**12-27-23**

APPEAL NO.: C-230142

TRIAL NO.: A-2002596

KEY WORDS: DEFAMATION — CONSTITUTIONAL LAW/CIVIL — ACTUAL MALICE

SUMMARY:

The trial court did not err in dismissing plaintiff’s defamation claims where defendants’ statements were either true or matters of opinion and thus were protected speech under the Ohio Constitution, and where plaintiff failed to plead facts showing defendants acted with actual malice.

The trial court did not err in dismissing plaintiff’s false light invasion of privacy claims where defendants’ statements were not false statements of fact and where plaintiff failed to plead facts showing defendants acted with the required state of mind.

 The trial court did not err in dismissing plaintiff’s statutory claims for civil damages under R.C. 2307.60 where plaintiff could plead no facts showing that defendants violated an underlying criminal statute because their statements were not verifiable facts.

 The trial court did not err in dismissing plaintiff’s claims rather than granting leave to amend the complaint where plaintiff failed to move for leave to amend, tender an amended complaint, or explain to the trial court or on appeal how he would have cured any deficiencies, and where plaintiff failed to address the trial court’s conclusion that defendants’ speech was constitutionally protected, rendering amendment wholly futile.

JUDGMENT: AFFIRMED

JUDGES: OPINION by BERGERON, J.; CROUSE, P.J., and ZAYAS, J., CONCUR.