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Soumayah v. Minnelli
N.Y.A.D. 1 Dept. 2005.

Supreme Court, Appellate Division, First
Department, New York.
M'hammed **SOUMAYAH**, Plaintiff-Respondent,
v.
Liza **MINNELLI**, et al., Defendants-Appellants.
June 30, 2005.

Greenberg Traurig, LLP, New York (Israel Rubin
of counsel), for appellants.
Law Offices of Harvey S. Mars, LLC, New York (
Harvey S. Mars of counsel), for respondent.

Order, Supreme Court, New York County (Barbara
R. Kapnick, J.), entered February 9, 2005, which, to
the extent appealed from as limited by the brief,
denied defendants' motion for preliminary injunctive
*288 relief, unanimously affirmed, without costs.

Statements made in the course of and about judicial
proceedings, such as those defendants seek to
enjoin, are privileged, notwithstanding the existence
of a confidentiality agreement purporting to bar the
kind of disclosures such statements would likely
contain (*see Youmans v. Smith*, 153 N.Y. 214, 219,
47 N.E. 265 [1897]; *Arts4All, Ltd. v. Hancock*, 5
A.D.3d 106, 108, 773 N.Y.S.2d 348 [2004]; and
*see Civil Rights Law § 74; Holy Spirit Assn. for the
Unification of World Christianity v. New York
Times Co.*, 49 N.Y.2d 63, 67, 424 N.Y.S.2d 165,
399 N.E.2d 1185 [1979]; *Denise Rich Songs, Inc.
v. Hester*, 5 Misc.3d 1013(A), 798 N.Y.S.2d 708,
2004 WL 2563702 [2004]). While litigation may
not be commenced and prosecuted solely as a
vehicle and occasion to disseminate false and
defamatory matter, defendants have produced no
evidence to support an inference that this litigation
has such a singularly malicious agenda (*cf. Williams
v. Williams*, 23 N.Y.2d 592, 596, 298 N.Y.S.2d
473, 246 N.E.2d 333 [1969]). Thus, we note

defendants do not contend that the complaint's
allegations are false and they point to no statement
in the complaint unrelated to the legal claims
asserted (*see Seltzer v. Fields*, 20 A.D.2d 60, 62,
244 N.Y.S.2d 792 [1963], *affd.* 14 N.Y.2d 624, 249
N.Y.S.2d 174, 198 N.E.2d 368 [1964]).

ANDRIAS, J.P., MARLOW, SULLIVAN,
ELLERIN, NARDELLI, JJ., concur.
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Op. 05537

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