

# Mckee v. laurion analysis

Law



## Mckee v. Laurion Case Study Analysis

### Issue

The issue in contention is whether Dennis Laurion comments in a website called rate your doctor was genuine in relation to Dr. Mckee comments about the defendant's father. When Dr Mckee goes to a private room to review Laurion's father following a discharge from Intensive Care Unit (ICU), he allegedly made three statements in the presence of the family members including Dennis Laurion. The first statement he allegedly made was that he said when he did not find the patient in ICU, he took time to find out whether he had been transferred or died. Secondly, he allegedly affirmed that 44% of patients with haemorrhagic stroke die within 30 days. Thirdly, he allegedly dismissed patient saying he does not matter if the gown was on the back or no. After posting the three issues in the website, Dr Mckee moved to court suing Laurion of defamation.

### Rule

Cases of defamation are often determined by courts based on plaintiff ability to prove that the said or written words amounted to significant falsity and quoted out of malice. The case as ruled by Minnesota State court had dismissed the suit saying the claims by Laurion showed substantial degree of truth and as such the post reported an incident with no motive of defamation.

### Application

The law application was most controversial in the case. The appellate court found that the lower court erred by ruling in favor of Laurion. According to the law, there was no genuine issue of material on falsity of the statements and as such the website post was found to have had ill motives because they

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lack material evidence (Wilson 126).

### Conclusion

The appellate court on reversing lower court decision identified that the post made by Laurion carried defamation sentiment because he did not prove that the statement by the doctor carried malice or falsehood. The determination of the case is based on ability to show that the post act of malice or had unethical connotation.

### Works Cited

Wilson, Jeffrey. American law yearbook 2012 a guide to the year's major legal cases and developments. Detroit, Mich.: Gale, 2013. Print.