

Friedman, J.P., Gonzalez, McGuire, Moskowitz, JJ.

3167 Amy Lipman, Index 100155/07
Plaintiff-Appellant,

-against-

Gail Ionescu,
Defendant-Respondent.

Rottenberg Lipman Rich, P.C., New York (Harry W. Lipman of
counsel), for appellant.

Kelly, Rode & Kelly, LLP, Mineola (George J. Wilson of counsel),
for respondent.

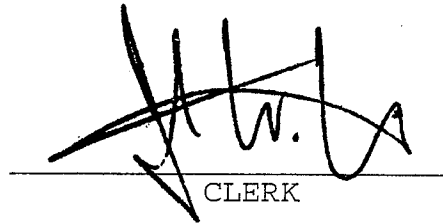
Appeal from order, Supreme Court, New York County (Edward H.
Lehner, J.), entered July 24, 2007, which granted defendant's
motion to dismiss the complaint, deemed an appeal from judgment
(CPLR 5501[c]), same court and Justice, entered September 20,
2007; said judgment unanimously reversed, on the law, without
costs, the motion denied and the complaint reinstated.

The motion court erred when it viewed defendant's statements
as merely an unfavorable assessment of plaintiff's work
performance. In the context of informing parents of two- and
three-year-olds that the children's teacher has been terminated,
defendant's statements were reasonably susceptible to a
defamatory meaning and slanderous per se because they directly
implied that plaintiff had done something so egregious that it
made her unfit to practice her profession even one more day (see

People v Grasso, 21 AD3d 851 [2005]; *Chiaverelli v Williams*, 256 AD2d 111 [1998]).

THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: MARCH 27, 2008



CLERK