

13-1005. Concerning the plaintiff: Defined.

To support a claim for defamation, the communication must be concerning the plaintiff. The communication is concerning the plaintiff if the person to whom it was communicated reasonably understood that it was intended to refer to the plaintiff.

[The communication may be concerning the plaintiff even though it is equally applicable to other unnamed persons.]

[The communication may be concerning the plaintiff where it refers to a group if the circumstances indicate that the communication was reasonably understood to refer to the plaintiff.]

USE NOTES

This instruction is to be used only when there is an issue of fact whether the alleged defamatory statement refers to the plaintiff.

The bracketed second paragraph should be used only when the issue arises whether a statement is concerning the plaintiff because it encompasses within its scope persons in addition to the plaintiff.

The bracketed third paragraph should be used only when the issue arises whether a statement is concerning the plaintiff because it describes a group of persons, one of whom is or may be the plaintiff.