



Delaware Supreme Court Overturns Lin Wood Dismissal

By **Leslie Pappas**

Law360 (January 19, 2022, 10:42 AM EST) -- Delaware's Supreme Court on Wednesday unanimously reversed a decision that controversial attorney L. Lin Wood could not represent a former Trump campaign adviser in a state defamation case, while in a separate ruling affirming the dismissal of the defamation case itself.

Superior Court Judge Craig A. Karsnitz's January decision to **revoke** Wood's pro hac vice status was an "abuse of discretion," according to the opinion, which was issued by the full court.

Judge Karsnitz had based his decision on Wood's involvement in other state lawsuits challenging the presidential election and had concluded that Wood exhibited a "toxic stew of mendacity, prevarication and surprising incompetence." The lower court's sanction came despite Wood's offer to voluntarily withdraw from the case.

"Because the Superior Court's revocation order is based on factual findings for which there is no support in the record and because the court failed to explain why Wood's withdrawal would not moot the court's concerns about the appropriateness or advisability of Wood's continued admission, we find that the court's revocation order was an abuse of discretion," according to the opinion.

"Both the tone and the explicit language of the Superior Court's memorandum opinion and order suggest that the court's interest extended beyond the mere propriety and advisability of Wood's continued involvement in the case," the opinion said. "In fact, one cannot read the court's order without concluding that the court intended to cast aspersions on Wood's character, referring to him as 'either mendacious or incompetent' and determining that he was not 'of sufficient character' to practice in the courts of our state."

In December 2020, Judge Karsnitz ordered Atlanta-based Wood to prove why his temporary status to practice in Delaware should not be revoked after a lawsuit he filed in Georgia was found to have "**no basis in fact or law**" and another lawsuit in Wisconsin had "multiple deficiencies."

After Wood offered to withdraw voluntarily, Judge Karsnitz revoked Wood's status in a finding that suggested Wood's social media activity may have helped incite the Jan. 6 insurrection at the U.S. Capitol building.

Wood appealed, **arguing** that the court had "carried out an extra-judicial disciplinary proceeding" aimed to publicly sanction him. In court briefs, Wood said the Delaware judge's ruling damaged his standing in cases outside of Delaware.

"Today's ruling is consistent with Chief Justice John Roberts' recent speech affirming the independence of the federal courts from 'inappropriate political influence,'" Ron Poliquin, an attorney for L. Lin Wood, Jr., said in a statement in response to the Delaware Supreme Court's decision.

"It's a very strong decision affirming the independence of the courts from today's politics," Poliquin told Law360 in a phone call, emphasizing that the decision was unanimous and Delaware's courts are balanced between the two political parties. "These were independent justices all coming to same conclusion."

Matthew F. Boyer of Connolly Gallagher LLP, who argued before the Supreme Court in support of the Superior Court's decision, declined to comment on the Supreme Court's ruling.

In a separate ruling Wednesday, the Delaware Supreme Court affirmed the Superior Court's dismissal of the defamation suit at issue in Wood's appeal.

In July 2020, former Trump campaign adviser Carter Page sued several affiliates of Oath Inc. — which has since been renamed Verizon Media — in Delaware over 11 articles in Yahoo News and TheHuffingtonPost.com that mentioned him in connection with a federal probe of former President Donald Trump's pre-election contacts with Russia.

The Delaware suit came after a federal lawsuit Page filed in the Southern District of New York was dismissed.

In February 2021, Judge Karsnitz **dismissed** Page's Delaware suit, finding that the articles were either true or protected under Section 230 of the Communications Decency Act.

A majority of the Delaware Supreme Court, which heard the appeal en banc, affirmed the dismissal Wednesday, finding that the articles were either true or substantially true.

However, in a 47-page dissent, Justice Karen L. Valihura dissented based on one of the articles — a 2016 piece by Michael R. Isikoff published on Oath's Yahoo website — saying she disagreed with the majority that Page did not adequately allege that Oath may have acted "with actual malice" and also disagreed with the majority "that the Isikoff article was substantially true."

"Page should at least be entitled to proceed to the discovery phase on the part of his complaint pertaining to the Isikoff article," she wrote. "I believe that depriving him of that opportunity and, instead, affirming the dismissal of his complaint results in an injustice to Page."

Page's attorney, Todd V. McMurtry of Hemmer DeFrank Wessels PLLC, said Page is "disappointed" by the ruling and is "assessing his next move."

"Dr. Page is very appreciative of Justice Valihura's compelling dissent," he added.

Page is represented by Sean J. Bellew of Bellew LLC, Todd V. McMurtry of Hemmer DeFrank Wessels PLLC and K. Lawson Pedigo of Miller Keffer & Pedigo PLLC.

Oath Inc. is represented by T. Brad Davey and Jonathan A. Choa of Potter Anderson & Corroon LLP and Elbert Lin, David Parker, Jonathan D. Reichman and Jennifer L. Bloom of Hunton Andrews Kurth LLP.

Wood is represented by Ronald G. Poliquin and Marc J. Wienkowitz of The Poliquin Firm.

The Superior Court case is Carter Page v. Oath Inc., case number S20C-07-030.

The Delaware Supreme Court cases are Carter Page v. Oath Inc., case numbers 69, 2021 and 79, 2021, in the Supreme Court of the State of Delaware.

--Additional reporting by Dave Simpson, Jeff Montgomery, and Rose Krebs. Editing by Alyssa Miller.

Correction: This article has been corrected to show that the reversal decision was issued per curiam.

Update: This story has been updated with details about the suit at issue in Wood's appeal and comments from Wood's attorney.