

EXHIBIT 7D

Restatement of the Law — Torts
Restatement (Second) of Torts
Current through June 2009

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Division 5. Defamation
Chapter 25. Defenses To Actions For Defamation
Topic 3. Conditional Privileges
Title A. Occasions Making A Publication Conditionally Privileged
Subtitle III. Abuse Of Privilege

§ 603. Purpose Of The Privilege

[Link to Case Citations](#)

One who upon an occasion giving rise to a conditional privilege publishes defamatory matter concerning another abuses the privilege if he does not act for the purpose of protecting the interest for the protection of which the privilege is given.

Comment:

a. Any conditional privilege is created because the interest of the publisher, the recipient of the defamatory publication or some third person or an interest of the public is actually or apparently involved, and the knowledge by the recipient of the defamatory matter, if it is true, is likely to be of service in the protection of that interest. If the defamatory matter is not in any part published for its protection, the privilege is abused. Thus a publication of defamatory matter upon an occasion giving rise to a privilege, if made solely from spite or ill will, is an abuse and not a use of the privilege. However, if the publication is made for the purpose of protecting the interest in question, the fact that the publication is inspired in part by resentment or indignation at the supposed misconduct of the person defamed does not constitute an abuse of the privilege. On the other hand, if the publisher does not act to protect the interest in question, the privilege is abused although he is not acting from spite or ill will.

Case Citations

[Reporter's Notes, Case Citations & Cross References Through December 1977](#)

— June 1987 [Case Citations 1978 — June 1987](#)

— June 2001 [Case Citations July 1987 — June 2001](#)

— June 2009 [Case Citations July 2001 — June 2009](#)

[Reporter's Notes, Case Citations & Cross References Through December 1977:](#)

REPORTER'S NOTE