

Transperfect Translations Intl. Inc. v Frei-Pearson

2025 NY Slip Op 34866(U)

December 16, 2025

Supreme Court, New York County

Docket Number: Index No. 154137/2024

Judge: Mary V. Rosado

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. MARY V. ROSADO PART 33M

Justice

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INDEX NO. 154137/2024

TRANSPERFECT TRANSLATIONS INTERNATIONAL, INC.,

MOTION DATE 02/28/2025

Plaintiff,

MOTION SEQ. NO. 002

- v -

JEREMIAH FREI-PEARSON, FINKELSTEIN BLANKINSHIP FREI-PEARSON & GARBER LLP

DECISION + ORDER ON MOTION

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 002) 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54

were read on this motion to/for DISMISS

Appearances:

Plaintiff: Henry R. Kaufman, PC (Henry R. Kaufman, Esq.)

Defendants: Yankwitt LLP (Cassandra Vogel, Esq.)

Upon the foregoing documents, and after oral argument, which took place on October 28, 2025, Defendants Jeremiah Frei-Pearson, Esq. ("Frei-Pearson") and Finkelstein Blankinship Frei-Pearson & Garber LLP's (the "Firm") (collectively "Defendants") motion to dismiss Plaintiff Transperfect Translations International, Inc.'s ("Plaintiff") Amended Complaint pursuant to CPLR 3211(a)(7) and (g) is granted.

I. Background

On August 28, 2019, Defendants initiated a class action against Plaintiff on behalf of Plaintiff's current and former employees alleging wage theft (the "Underlying Action"). Defendants allegedly made statements to Law360 and in allegedly paid advertisements circulated on LinkedIn related to ongoing litigation in the Underlying Action. Plaintiff claims these

statements are defamatory. According to Mr. Frei-Pearson, Law360 contacted him for comment regarding the Underlying Action after it received comment from Plaintiff.

In the Underlying Action, Transperfect filed several motions to dismiss, which were unsuccessful. Transperfect also objected to Magistrate Judge Parker's recommendation that the case be certified as a class action, but District Court Judge Edgardo Ramos overruled TransPerfect's objections. On January 30, 2025, Magistrate Judge Parker found "[t]here is no dispute that Transperfect did not pay the class members the required salary" and that "no reasonable jury could find that Transperfect's failure to increase salaries of the class members was isolated or inadvertent." On July 23, 2025, District Court Judge Ramos adopted Magistrate Judge Parker's recommendations and found that contrary to Transperfect's argument that it fully intended to pay all the class members and to comply with the law, "the evidence directly contradicts this assertion" (NYSCEF Doc. 53). Plaintiff also asked Magistrate Judge Parker to sanction Defendants for the allegedly defamatory advertisements, but Magistrate Judge Parker denied that request and stated the advertisement was "not a false statement."

In this case, Plaintiff sues Defendants for defamation based on statements made related to alleged wage theft in Law360 articles and in the LinkedIn advertisements. Plaintiff also sues for tortious interference with prospective business advantage. Defendants move to dismiss pursuant to CPLR 3211(a)(7) and (g).

II. Discussion

Defendants' motion to dismiss pursuant to CPLR 3211(g) is granted. A motion to dismiss under CPLR 3211(g) shall be granted when the movant shows the action targets speech involving public petition and participation, as defined in Civil Rights Law § 76-a, unless the opposing party shows the action has a substantial basis (*see Gillespie v Kling*, 217 AD3d 566, 567 [1st Dept

2023]). An action involves public petition and participation if it is “any communication in a place open to the public or a public forum in connection with an issue of public interest” or if it is “any other lawful conduct in furtherance of the exercise of the constitutional right of free speech in connection with an issue of public interest” (*see* Civil Rights Law § 76-a[1][a]). In 2020, the Legislature amended the anti-SLAPP law to “broaden the scope of the law and afford greater protections to citizens” (*Aristocrat Plastic Surgery, P.C. v Silva*, 206 AD3d 26, 28 [1st Dept 2022] quoting *Mable Assets, LLC v Rachmanov*, 192 AD3d 998, 1000 [2d Dept 2021], citing L. 2020, ch 250).

The allegedly defamatory speech triggers the protections of the anti-SLAPP law. Ongoing judicial proceedings, including class actions alleging unpaid wages, constitute an issue of public interest (*Sweetpea Ventures Inc. v Belmamoun*, 231 AD3d 460, 461 [1st Dept 2024] citing *Reeves v Associated Newspapers, Ltd.*, 232 AD3d 10, 19 [1st Dept 2024]). Because the allegedly defamatory statements were made to Law360, a nationwide legal media outlet, and LinkedIn, a social media platform, the targeted speech was made in public forums (*see e.g. Sharp v Bar Fluid LLC*, 237 AD3d 628, 629 [1st Dept 2025]). As the anti-SLAPP law is triggered, the burden shifts to Plaintiff to show its defamation claims have a substantial basis in law.

Plaintiff has failed to meet its burden of showing any evidence to support their allegations that Defendants’ statements were made with knowledge of their falsity or with reckless disregard of whether they were false. Plaintiff provides no evidence in opposition and relies on a memorandum of law and an attorney affirmation, which is not based on firsthand knowledge and is devoid of evidentiary value (*see, e.g. Beltre v Babu*, 32 AD3d 722, 723 [1st Dept 2006]). Not even the pleadings are verified by someone with personal knowledge of the facts. And more importantly, pursuant to the findings and determinations of the Federal Magistrate Judge and the

Federal District Court Judge presiding over the Underlying Action, the allegedly defamatory statements are true. It has already been determined that Plaintiff failed to pay its employees required wages, and its failure to do so was neither isolated nor inadvertent. Moreover, Magistrate Judge Parker stated that the allegedly defamatory advertisement did not contain a false statement.

Given these clear determinations which directly contradict Plaintiff's allegations of defamation, there is only one tenable conclusion which may be drawn from the record: this is a SLAPP lawsuit which must be dismissed pursuant to CPLR 3211(g). Because Defendants succeeded on a motion to dismiss pursuant to CPLR 3211(g), they are entitled to attorneys' fees pursuant to Civil Rights Law § 70-a (*see also Gillespie v Kling*, 217 AD3d 566, 567 [1st Dept 2023] citing *Aristocrat Plastic Surgery P.C. v Silva*, 206 AD3d 26, 32 [1st Dept 2022]).

Finally, the tortious interference claim, predicated on the same facts as the dismissed defamation claims, is dismissed as duplicative (*see L.Y.E. Diamonds, Ltd. v Gemological Institute of America, Inc.*, 169 AD3d 589, 591 [1st Dept 2019]). The tortious interference claim also fails because it does not identify a single contract or specified business partner that Defendants' conduct tortiously interfered with (*see e.g. Shawe v Kramer Levin Naftalis & Frankel LLP*, 167 AD3d 481, 482-83 [1st Dept 2018]). Moreover, Plaintiff did not even proffer any particularized opposition to dismissal of the tortious interference claim.

Accordingly, it is hereby,

ORDERED that Defendants' motion to dismiss Plaintiff's Amended Complaint pursuant to CPLR 3211(a)(7) and (g) is granted in its entirety; and it is further

ORDERED that Defendants are entitled to an award of attorneys' fees pursuant to Civil Rights Law § 70-a and, within sixty days, Defendants shall submit a fee application so an award of fees may be made; and it is further

ORDERED that within ten days of entry, counsel for Defendants shall serve a copy of this Decision and Order, with notice of entry, on all parties via NYSCEF.

This constitutes the Decision and Order of the Court.

12/16/2025
DATE

Mary V Rosado JSC
HON. MARY V. ROSADO, J.S.C.

CHECK ONE:	<input checked="" type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	NON-FINAL DISPOSITION
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/> DENIED	<input type="checkbox"/> OTHER
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	SUBMIT ORDER
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT
			<input type="checkbox"/>	REFERENCE