

Unusual Victory for Supervisor Accused of Sexual Harassment

Description

Partridge Snow & Hahn Partner and Chair of the [Employment & Labor](#) Group [Alicia Samolis](#) was recently quoted in *Massachusetts Lawyers Weekly* regarding a noteworthy decision in a high-profile sexual harassment case, *Sabatini v. Knouse, et al.* The ruling presented a rare example of defamation and tortious interference with contractual relationship claims being allowed to proceed to a jury based on embellished statements made by the alleged victim of harassment.

Samolis observed that, “[t]ypically in these cases, it’s very hard for someone who has been accused of doing something like harassment to sue the other side for anything ... Usually in the defamation context, you have several barriers, including the litigation privilege, conditional privilege or [the statements in dispute constitute] opinion. The opinion exception to defamation is very broad.”

In this case, accuser Knouse made sexual harassment allegations stemming from a romantic and sexual relationship between Knouse and Sabatini. While the judge dismissed the portion of the claim based on Knouse’s characterization of Sabatini’s conduct as “gaslighting” and comparing him to Jeffrey Epstein under the opinion exception, the judge allowed the case to proceed regarding Knouse’s alleged statements outside of the investigation that Sabatini had “raped” and “assaulted” her.

Samolis noted “[f]rom an equitable point of view, I don’t believe it is a necessarily a bad decision to say, ‘Look, you at least need to go to a jury on this if you are going to choose to couch your accusations like this knowing that, in the technical sense, they are not true.’”

In the interview, Samolis highlighted the inherent unfairness faced by individuals accused of sexual harassment who have little recourse when allegations are based on extremely embellished claims or statements that mischaracterize the accused’s behavior or intentions.

Samolis also supported the judge’s decision to dismiss Sabatini’s gender discrimination claim against his employer. Sabatini alleged that his concerns about being harassed when Knouse purportedly continued to pursue him after their breakup were not taken as seriously as Knouse’s allegations during the investigation. The judge correctly found that because Sabatini was Knouse’s supervisor, the two were not valid comparators, and further noted that the employer’s decision to retain outside counsel to conduct a neutral investigation weighed in the employer’s favor. Samolis added that had Sabatini and Knouse been co-workers, the outcome of the discrimination claims could have been far more interesting, particularly in light of the EEOC’s and Supreme Court’s more recent views on reverse discrimination claims.

To read the full article, please [click here](#).

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