

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 01-7139**

**September Term, 2002**

Filed On: October 30, 2002 [710869]

RONALD H. BREWINGTON,  
APPELLANT

v.

SHERIDAN BROADCASTING NETWORK/AMERICAN URBAN  
RADIO NETWORKS AND RONALD R. DAVENPORT, SR.,  
APPELLEES

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Consolidated with No. 01-7140

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Appeals from the United States District Court for the District of Columbia  
(01cv00167 & 01cv00852)

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Before: EDWARDS, RANDOLPH, and TATEL, *Circuit Judges*.

## **J U D G M E N T**

This cause was considered on the record from the United States District Court for the District of Columbia and the briefs and oral arguments of counsel. It is

**ORDERED AND ADJUDGED** that the district court's dismissal pursuant to Rule 12(b)(6), FED. R. CIV. P., be affirmed. Although the district court dismissed on preemption grounds, this court affirms on the defendants' alternative theory that the statements were not defamatory. *See Dimond v. District of Columbia*, 792 F.2d 179, 187 (D.C. Cir. 1986).

In *Greenbelt Co-operative Publishing Ass'n v. Bresler*, 398 U.S. 6 (1970), the Supreme Court held that the use of the word "blackmail" to describe a developer's negotiating tactics for zoning variances did not constitute defamation. *Id.* at 13. This case is similar. No reasonable person who was aware of the plaintiffs' arbitration victory over the defendants would ascribe a defamatory meaning to the defendants'

statements that the plaintiffs were “thieves,” that they were “undeserving,” and that they had exploited the company. At most these words were non-actionable hyperbole. *Id.* at 14.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or rehearing en banc. *See* FED. R. APP. P. 41(b); D.C. CIR. RULE 41.

*Per Curiam*

**FOR THE COURT:**

Mark J. Langer, Clerk

BY:

Michael C. McGrail

Deputy Clerk