

Defendants' care caused any harm or injury. Unless Plaintiff comes forth with contradictory, qualified expert opinion that any Defendant was negligent, and that such negligence caused harm, then there is no genuine issue of material fact and Defendants are entitled to summary judgment. *Id.*, *Moore v. Kaiser Permanente*, 91 Or. App. 262, 265, 754 P.2d 615 (1988).

3. Claim 7: The Defamation Claim is Time Barred and All Purported Communications are Privileged Under Oregon Law.

Finally, Plaintiff complains of defamatory statements contained in deputies' reports of the incident. (ECF 38, pp 45-46). First, the statements at issue were in 2017, and this action was commenced on June 25, 2019. (ECF 2). Oregon has a one year statute of limitations on defamation claims, accruing from date of publication, including claims under the OTCA. ORS 12.120(2), ORS 30.275(9). The claim is not timely.

Second, Oregon recognizes an absolute privilege for statements made in furtherance of public duties. *Christianson v. State*, 239 Or App 451, 459, 244 P3d 904, 908 (2010), *Chamberlain v. City of Portland*, 184 Or App. 487, 56 P 3d 497 (2002). This privilege is rooted in the maxim that "the public's interest in the unhampered operation of the government, when exercising such functions, outweighs an individual's interest in the preservation of reputation." *Johnson v. Brown*, 193 Or. App. 375, 381, 91 P.3d 741, 744, decision clarified on reconsideration, 194 Or. App. 486, 95 P.3d 235 (2004), citing *Wallulis v. Dymowski*, 323 Or 337, 349, 918 P2d 755 (1996). Absolute privilege bars a defamation claim completely as a matter of law. *DeLong v. Yu Enterprises, Inc.*, 334 Or 166, 170, 47 P3d 8 (2002).

Because these reports were generated in the exercise of the MCSO staff's work as the corrections department for the County, the statements are privileged and cannot serve as defamation as a matter of law.