

# Repeated Lies Run up Big Tab for Trump in Defamation Case

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A recent \$83.3 million verdict against Donald Trump for continued defamatory statements underscores what would seem to be an intuitive best practice to minimize defamation liability: once a defendant has been found liable for defamation, they should refrain from repeating the same defamatory statements. Otherwise, they risk incurring additional damages, including punitive damages.

## Background

In 2019, advice columnist and writer E. Jean Carroll accused Trump of sexually assaulting her in the 1990s. Trump publicly denied Carroll's accusations, claiming that she had fabricated the accusations to sell copies of her memoir and stating that "it never happened" and "she's not my type."

Following Trump's statements, Carroll sued him for defamation, alleging that his denials and related comments had damaged her professional reputation and resulted in threatening messages and comments.

While Carroll's initial defamation lawsuit was pending, Trump continued to make similar public statements denying that he had assaulted Carroll. Carroll then brought a second lawsuit against Trump alleging both sexual assault and defamation. In May 2023, the jury found for Carroll in this second lawsuit, determining that Trump had sexually assaulted her in the 1990s and that Trump's continued denials of the sexual assault and related statements had defamed Carroll. In that trial, the jury awarded Carroll \$5 million in damages.

## Trial of the Initial Lawsuit

Despite the court's ruling in the second lawsuit, Trump continued to make similar defamatory statements about Carroll. In January 2024 — months after a jury found for Carroll in the second

lawsuit that she filed against Trump — Carroll's first lawsuit was tried to a jury. Because Trump had already been found liable for sexual assault in the May 2023 trial, and because his statements there (which were closely related to the statements that were the focus of the January 2024 trial) had been found to be defamatory, the only issue that remained for the January 2024 jury to determine was damages. Carroll sought \$24 million in compensatory damages to compensate her for the harm she had suffered as a result of Trump's continued defamatory statements. Carroll also requested that the jury assess punitive damages against Trump, citing the need to deter him from making additional defamatory statements. Carroll asserted that punitive damages were especially critical given that Trump had continued to defame her even after the prior liability finding against him.

Taking to heart Carroll's arguments, the jury awarded her \$18.3 million in compensatory damages and a further \$65 million in punitive damages.

## Takeaway

The large amount of damages that Trump has incurred for defaming Carroll illustrates an important lesson from defamation law: once someone has been found liable for defamation, they should refrain from repeating those defamatory statements. By continuing to make defamatory statements following the May 2023 trial, Trump acted in blatant disregard of the defamation liability ruling in that trial. His apparent indifference to the harm caused by his continued defamatory statements appears to have persuaded the jury that a large punitive damages award was necessary.

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National Law Review, Volume XIV, Number 45

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