

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO. 1884CV01606

THE BOSTON GLOBE LLC

Plaintiff,

v.

HILARY SARGENT

Defendant.

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**JOINT STATEMENT OF THE PARTIES FOLLOWING HEARING
ON PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff The Boston Globe LLC (the "Globe") and Defendant Hilary Sargent ("Ms. Sargent"), following hearing on the Globe's Motion for Preliminary Injunction and at the request of the Court, hereby submit the following joint statement:

I. The Globe's Position:

At yesterday's hearing, the Court proposed that the parties confer about whether the Court should rule on the pending motion for preliminary injunction, or whether there was a possibility for some other resolution. After considering further the factual disclosures Ms. Sargent has made for the first time in opposition to the motion for preliminary injunction, the Court's comments at the hearing about the sufficiency of the Globe's investigative efforts, and the representation to the Court by Ms. Sargent's counsel that Ms. Sargent is receptive to reasonably cooperating with the Globe, the Globe believes that a preliminary injunction is no longer necessary, and therefore hereby withdraws the motion.

The Globe filed this litigation, and the motion for a preliminary injunction, for the sole purpose of securing Ms. Sargent’s expedited cooperation with its investigation of an allegation Ms. Sargent made about the Globe’s Editor, Brian McGrory, after no such cooperation was forthcoming. The Globe asked Ms. Sargent on May 22, 2018 the specific question of the date of the alleged text exchange between her and Mr. McGrory. The Globe then heard from her counsel, who made no commitment to cooperate. The Globe followed up with four separate emails to her counsel on May 22 and 23, and did not receive a response on those days. In the ensuing dates, despite repeated outreach to her counsel, no answer to that question—or any other cooperation—was forthcoming from Ms. Sargent. Subsequent to filing this action, the independent investigator reached out to Ms. Sargent’s current counsel, who indicated that his client was unwilling at that time to meet with her. The Globe reluctantly filed this action, viewing it as the only recourse. This action has largely succeeded in achieving its purpose: through Ms. Sargent’s Opposition and Affidavit, Ms. Sargent has finally, and for the first time, provided the information the Globe has requested from the start. She has confirmed that:

- Contrary to her strong implication on Twitter that the messages she posted were sent during her employment at the Globe, she does “not recall” when the messages were sent and it is “more likely” that they were sent *after* she worked at the Globe. (Opposition at p. 4).
- She and Mr. McGrory had a consensual dating relationship on and off over the course of five years. (Affidavit of Hilary Sargent (“Sargent Aff.”) ¶ 18.).
- She does not have the original iMessages in electronic form; rather, the post was a screenshot. (Sargent Aff. ¶ 6).

Before filing its Complaint, the Globe did not have this information, or any reasonable prospect of obtaining this information in the expeditious manner that was essential, given the nature and lack of clarity of the allegation, and the serious harm that lack of clarity was causing the Globe. Each day that this allegation remained unresolved and unverified was causing further disruption to the internal and external operations of the Globe.

As the Globe said in its papers and at oral argument yesterday, it has always been determined to conduct the most thorough investigation it could, and to take every reasonable step to ensure the completeness of its information before making any determination about Ms. Sargent's allegations against Mr. McGrory. The Court noted in argument that employers sometimes must conduct investigations without complete information from the complainant, and draw conclusions based on the available information.

The Globe remains hopeful for its outside investigator to interview Ms. Sargent so as to hear directly from her concerning her allegations regarding Mr. McGrory and to review all pertinent information she may possess. But the Globe is also confident that it has now taken all steps reasonably available to it, and has learned significant new information as a result that will assist the Globe in reaching sound conclusions about Ms. Sargent's allegations.

In light of the foregoing, the Globe hereby withdraws its Motion for a Preliminary Injunction, and is filing herewith a voluntary dismissal of the Complaint pursuant to Mass. R. Civ. P. 41. The Globe has never had any interest in seeking damages in this case, and therefore sees no reason to continue the litigation.

II. Sargent's Position:

The Globe's lawsuit and its motion were premature, heavy handed and misguided efforts to obtain supposed cooperation — which Ms. Sargent has never refused to provide. She simply

refused to discuss the matter prior to obtaining counsel. The Globe's withdrawal of its motion and lawsuit vindicate Ms. Sargent and confirm the lack of merits in the Globe's allegations.

Hopefully, the Globe has done more investigation than castigate Ms. Sargent's reputation and interview Mr. McGrory alone - given that any full investigation would have involved interviewing others who might have knowledge. The Globe's attempt to explain their withdrawal by suggesting Ms. Sargent has in any way misled the public or refused to cooperate is yet again simply an effort to save face publicly while admitting that they should never have filed the action in the first instance. Ms. Sargent has always been at the vanguard of raising awareness of inappropriate behavior at the Globe and remains open to speaking with the Globe — but without litigation and threats of reprisal.

WHEREFORE, the Parties submit the foregoing Joint Statement.

Dated: June 8, 2018


Respectfully submitted,

THE BOSTON GLOBE LLC

HILARY SARGENT

By its attorneys,

By her attorney,



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