

Megyn Kelly, Fox News, win in Wisconsin court

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(Photo: Associated Press)

Media superstar Megyn Kelly gets taken pretty seriously these days, after standing up to president-elect Donald Trump in an early primary debate and publishing a memoir, [Settle for More](#).

But back when she was hosting "Kelly's Court," on a Fox News show called *America Live* in 2011, she and two guests breezily tossed out some commentary a former North Shore firefighter claims were defamatory.



Circuit Judge Jeffrey Conen eventually [dismissed the case](#), in part because he felt the segment clearly was not a serious news program, only a mock judicial debate. The plaintiff appealed.

On Tuesday, the Court of Appeals also sided with Kelly.

"While the commentary may have been sarcastic, belittling, and impolite, that does not make it defamatory," wrote a panel of the District 1 court. [The decision](#) came from judges Kitty Brennan, Joan Kessler and William Brash.

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"It is a prized American privilege to speak one's mind, although not always with perfect good taste, on all public institutions."

Aaron Marjala of the North Shore Fire Department was found permanently disabled in 2008 by the State of Wisconsin and independent physicians after suffering nerve damage to his ulnar nerve in his right elbow, commonly referred to as the funny bone, that persisted despite two surgeries.

While on disability, Marjala remained active and even ran marathons. In September 2011, Fox's Milwaukee affiliate, WITI-TV Fox 6, did a story on Marjala. In it, North Shore Fire Chief Robert Whitaker questioned the conclusion of medical examiners who reviewed Marjala's injury. Marjala also gets to explain his side, that he is 15% disabled, couldn't do firefighter duties and was denied light duty.

A few days later, Kelly and her guests discussed the story in a way Marjala claims called into question his honesty and subjected him to undeserved scorn and ridicule.

Kelly introduced the topic by calling Marjala "the Ironman too injured to fight fires," and "one of Wisconsin's bravest until he banged his funny bone" on a firehouse counter. "Oh the horror." She later described him as "too hurt to push paper" and implied he was "taking advantage of the system" and should be forced back to work.

The appeals court said Kelly's and her guests' comments were based on "fully disclosed true or substantially true facts, making the opinions nonactionable."

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