

United States Court of Appeals
for the Fifth Circuit

No. 23-40281

United States Court of Appeals
Fifth Circuit

FILED

March 3, 2025

Lyle W. Cayce
Clerk

JANE ROE,

Plaintiff—Appellant,

versus

LEIGHTON PAIGE PATTERSON; SOUTHWESTERN BAPTIST
THEOLOGICAL SEMINARY,

Defendants—Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:19-CV-179

Before KING, HO, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Jane Roe alleges that she was sexually assaulted by a fellow student at Southwestern Baptist Seminary. She sued the Seminary and its president Leighton Patterson for, among other things, defamation. She alleged, for example, that Patterson supplied defamatory statements that were used in a

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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letter to the Seminary's Board of Trustees. *See* 2024 WL 1956148, *1 (5th Cir. May 3, 2024).

We certified two questions to the Supreme Court of Texas: “1. Can a person who supplies defamatory material to another for publication be liable for defamation? 2. If so, can a defamation plaintiff survive summary judgment by presenting evidence that a defendant was involved in preparing a defamatory publication, without identifying any specific statements made by the defendant?” *Id.* at *2.

The Supreme Court of Texas answered “yes” to both certified questions. *See Roe v. Patterson*, __ S.W. 3d __, __ (Tex. 2025).

Accordingly, we vacate the judgment of the district court with respect to Roe's defamation claim, and remand for further proceedings consistent with this opinion.