

*Arugay v. Wolff*, 7 ROP Intrm. 226 (Tr. Div. 1997)  
**JANE ARUGAY and FLORDELIZA GARDUQUE,**  
**Plaintiffs,**

v.

**MARTIN WOLFF and LOURDESTA ELDEBEHEL,**  
**Defendants.**

CIVIL ACTION NO. 109-94

Supreme Court, Trial Division  
Republic of Palau

Issued: April 2, 1997

BEFORE: ARTHUR NGIRAKLSONG, Chief Justice.

Plaintiffs Jane Arugay and Flordeliza Garduque bring the present tort action for damages against defendants Martin Wolff and Lourdesta Eldebechel. The complaint alleges that the defendants' actions towards plaintiffs constitute assault, battery, invasion of privacy, false imprisonment, intentional infliction of emotional distress, and conversion. Defendant Wolff counterclaims for tortious breach of contract, conversion, defamation and malicious prosecution.<sup>1</sup> A trial was held in this matter on January 6, 1997.

#### FINDINGS OF FACT

The plaintiffs' claims in this case are founded upon incidents which began upon their arrival in Palau and culminated in events occurring on October 15, 1993. The credibility of the witnesses in this case is paramount to the Court's decision. After careful consideration of the testimony, the Court makes the following factual findings:

Plaintiffs Jane Arugay and Flordeliza Garduque came to Palau in 1993 to work as domestic helpers for defendant Martin Wolff. The plaintiffs were assigned to work at Wolff's house at Kles, Ngchesar, where he lived with defendant Lourdesta Eldebechel.<sup>2</sup> They performed a wide range of duties for Mr. Wolff, ranging from conventional housework, to farm labor, to tending to Wolff's video rental business and selling beer. The incidents which give rise to the claims asserted in this action occurred during plaintiffs' employment with Wolff.

Wolff began to establish control over the plaintiffs early in their employment relationship. Plaintiff Arugay arrived in Palau on April 29, 1993. Upon meeting her at the airport, Wolff

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<sup>1</sup> Defendant Eldebechel also filed these counterclaims but withdrew them before trial. The defendants also asserted various third-Party claims, which were dismissed by order of the Court.

<sup>2</sup> The defendants have had a relationship for many years and have children together. They are not legally married.

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introduced himself as “Martin Wolff, International Lawyer.” As they rode to Wolff’s house, he asked Arugay whether she would be willing to have sex for extra salary. She responded emphatically, “No, I came to Palau to work as a domestic helper.” At trial, Mr. Wolff admitted to asking this question, but claimed that it was merely a “test” which he employed to screen his workers for prostitutes, and that if Arugay had agreed to have sex for money, he would have immediately returned her to the Philippines. The Court rejects this explanation by Wolff as not credible, and finds that Wolff was propositioning Arugay in an attempt to use her for his own purposes.

Wolff resorted to more forceful means to gratify himself when plaintiff Garduque arrived in Palau on June 26, 1993. On the way 1227 from airport, Wolff drove to an abandoned building and stopped the truck. He looked at Garduque and criticized her for being “too small and short” to do the type of work that he required. He told Garduque that he had spent a great deal of money to get her to Palau and he threatened to have her thrown in jail before sending her back to Philippines. Garduque pleaded with Wolff, asking him to give her a chance to prove herself. Wolff explained that his girlfriend, Eldebechel, was pregnant at the time, and she was not able to satisfy him. As he spoke, he put his arm around her and began to pull at her clothes. He warned Garduque not to try to get away because no one there would help her. Garduque begged him to stop, to have pity on her. Wolff told her that she did not need to worry because he would not get her pregnant, and he lifted up Garduque’s dress and penetrated her. Shortly thereafter, he asked Garduque to masturbate him, and when she took no action, he did so himself. Upon the completion of this act, Wolff warned Garduque not to tell anyone that it had happened because no one would believe her or help her. Further, he told her that if his girlfriend found out about it, she would shoot both of them. Garduque did not report the rape to anyone.

Once the plaintiffs began to work at Kles, Wolff took steps to isolate them from the outside world and to fortify his control over their lives. Within a day or two of the plaintiffs’ arrival, Wolff confiscated their passports from them, thereby effectively removing their ability to leave. Wolff then laid out a set of “rules” that the plaintiffs were to obey during their employment with him. Among other things, the plaintiffs were forced to work long hours for Mr. Wolff, typically from 6 a.m. to 9 p.m. They were allowed to go to Koror only on the occasional Sunday when Wolff agreed to take them to church. Arugay got one Sunday off every two months; Garduque received two days off over the entire period of her employment. Moreover, the plaintiffs had to depend on Wolff to mail their letters home for them, and the testimony proves that he never did so. Finally, Wolff forbade the plaintiffs from talking to any Palauan men, who he said were “without brain . . . killers . . . criminals, in and out of jail, and rapists.” Wolff enforced these rules with a heated temper. The Court finds that by imposing these rules upon the plaintiffs in the isolated environment of Kles, Wolff created an atmosphere of oppression and intimidation that enabled him to assert control over the plaintiffs.

Plaintiff Garduque defied the rule against talking to Palauan men, and developed a relationship with George Tatsuo, a young Palauan that lived nearby. This fact infuriated Wolff, who confronted Tatsuo and Garduque as they talked on October 11, 1993. He chased George from the premises, and instructed Garduque to pack her things because he was sending her back to the Philippines. Garduque told Arugay about this incident, prompting Arugay to make plans

to return to the Philippines along with Garduque.

On the morning of October 12, both the plaintiffs were waiting in Wolff's truck with their luggage, ready to go home. Wolff refused to take them to the airport; instead, he took their luggage out and threw it on the ground, ordering them to get back to work. The plaintiffs decided to leave Kles on their own. They ran away and hid in a neighbor's benjo, where Wolff found them, had them removed, and ordered them into his truck. He took them to the front of Ngchesar State Office, where he seized plaintiff Garduque's purse and searched it. From the purse, he took Garduque's money and other belongings, and after reading a letter she had written to defendant Eldebechel, he slapped her in the face.

¶228 On October 15, defendant Eldebechel was attending a funeral when her sister, Rosemary, told her that she had heard that Wolff was paying the plaintiffs extra money for sex. This news enraged Eldebechel and she confronted Wolff about it. Wolff denied the accusation that he was paying the plaintiffs for sex, and later that evening, he called the plaintiffs into the kitchen. Once there, Wolff instructed the plaintiffs to tell Eldebechel that they had fabricated the story to hurt him.

Two days later, when defendant Eldebechel returned from the funeral, she and Wolff called Garduque and Aragay into the defendants' kitchen. When they had assembled there, defendant Eldebechel, with a knife in hand, began interrogating the plaintiffs as to the rumor she had heard. As she questioned the plaintiffs, she thrust the knife back and forth in front of them, at times coming within inches of the plaintiffs' faces. Eldebechel became increasingly angry during this incident, and she walked behind the plaintiffs and repeatedly stabbed the back of the chairs in which they sat. The plaintiffs told Eldebechel that they had made up the story to hurt Wolff. Eldebechel did not believe this explanation<sup>3</sup> and soon went into a rage that was only contained by application of a "chokehold" by Wolff. Wolff proceeded to pull Eldebechel into the bedroom and attempted to calm her. Eldebechel was not calmed, however, and she called plaintiff Arugay into the bedroom and ordered her to strip naked and have sex with Wolff in front of her. Plaintiff Arugay was sitting on the floor with her hands clasped in front of her at this time, and she responded that she wanted to go home to the Philippines. Wolff slapped Arugay in the face with the back of his hand forcefully enough to move her entire body. Eldebechel asked Jane, "Do you want some more? That's the Palauan way." Wolff then ordered both Eldebechel and the plaintiffs to get into his truck.

Once in the truck, Wolff drove into Ngchesar Village, where he stopped at Gloria Dulei's house and confronted her about manufacturing lies concerning his relationship with the plaintiffs. She denied spreading the rumor. Next, he and Eldebechel drove to the front of Ngchesar State Office where Wolff ordered the plaintiffs to walk naked down the street in the village. Plaintiff Garduque was told to go first, and when she hesitated, Wolff raised his hand, threatening to strike her if she did not obey. "If you don't take them off, I will," he shouted.

Compelled by the spectre of Wolff's proven capacity for violence, plaintiff Garduque

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<sup>3</sup> At trial, Elebechel indicated that she still does not know whom to believe about this story, including Martin Wolff.

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removed all of her clothes except for her panties, and stood with her hands covering her breasts. Wolff screamed, "Move! Move!," simultaneously kicking at her from behind, and she began to walk down the village road with her hands clasped behind her head, as Wolff had commanded. She was crying and calling for someone to help her. Although there were people in the area that heard Garduque's pleas, they made no attempt to aid her because they feared Wolff's power as an attorney. After Garduque had walked for a hundred yards or so, Wolff ordered her to turn around and walk back to the truck. She obeyed.

Next, Wolf commanded plaintiff Arugay to get out of the truck, and he told her to repeat Garduque's walk. Arugay removed all of her clothes, including her panties, and walked down the road, completely naked. Due to her elder age and years of coping with harsh conditions, Arugay did not exhibit the emotions that Garduque had shown. Rather, 1229 she appeared detached and stoic during her naked walk through Ngchesar Village. Throughout this entire event, defendant Eldebechel remained in the car and did not participate in any way.

After the walk, Wolff drove the plaintiffs to Chubby Mai's house, where a few young men were sitting on the porch. Plaintiffs testified that he then offered them to the men on the porch for free sex. This testimony was corroborated by the testimony of the plaintiffs' witnesses, who had no reason to lie. Wolff disputes this accusation, and maintains that he merely offered to sign the plaintiffs' contracts over to these men, as he was tired of dealing with the plaintiffs. The Court rejects Wolff's assertion that he was willing to enter into contractual negotiations with the same Palauan men that he considered to be so worthless and corrupting that he would not let his employees talk to them. The Court believes the plaintiffs' statements that Wolff offered them for sex; this conduct is much more consistent with Wolff's behavior throughout these incidents.

The men did not take any action, and Wolff drove the plaintiffs back to his home at Kles. When they arrived, he ordered the plaintiffs to get out of the car and walk around the house naked three times. The plaintiffs ran directly from the truck to their room.

The next day, Wolff flew to Saipan on a business trip. On October 21, while Wolff was away, immigration officials came to Kles and removed the plaintiffs. The plaintiffs reported to the Department of Public Safety that Wolff had firearms in his house. When Wolff returned from Saipan, his house was searched and he was arrested for gun and ammunition possession. Wolff was later prosecuted and acquitted of that charge in Criminal Action No. 320-93.

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CONCLUSIONS OF LAW

I. Plaintiffs' Claims Against Defendant Wolff

A. Assault & Battery

The plaintiffs claims that Wolff's actions amount to an assault and battery upon their person. The Court finds that Wolff committed an actionable assault and battery upon the plaintiffs on numerous occasions.

Plaintiff Garduque proved that Wolff raped her on the way back from the airport. This reprehensible act is an assault and battery of the most heinous nature, resulting in both physical and grievous mental harm to plaintiff Garduque. As compensation for this abhorrent conduct, defendant Wolff is ordered to pay plaintiff Garduque \$80,000.00 in damages. In addition, Garduque showed that Wolff slapped her in front of the Ngchesar State Office after reading a letter that she had written to defendant Eldebechel. Finally, her testimony reveals that Wolff kicked her from behind in order to prompt her to walk naked down the street. These two incidents also constitute assault and batteries for which Wolff is liable to Garduque. As compensation for these torts, Wolff is ordered to pay plaintiff Garduque \$1,000.00 in damages.

Plaintiff Arugay established that Wolff backhanded her in the face as she sat with her hands folded across her lap on October 17, 1993. This incident constitutes an assault and battery for which the defendant Wolff is liable to Arugay. Wolff is ordered to pay Arugay \$700.00 in compensatory damages for this assault and battery.

B. Invasion of Privacy.

The law recognizes four distinct types of claims for the tort of Invasion of Privacy 1230 and in this case, the plaintiffs have invoked two forms of the tort: intrusion into one's rightful seclusion, and publicity of one's private matters. The Restatement (Second) of Torts <sup>4</sup> defines intrusion into one's rightful seclusion as any intrusion "upon the solitude or seclusion of another." *Id.* at § 652B (1977). The plaintiffs have shown that they were hiding in a neighbor's benjo, when Wolff arrived and had the door removed so that he could enter and retrieve the plaintiffs. Wolff denies that he took any affirmative action to remove the door, and also asserts that the neighbor requested him to remove the plaintiffs from his benjo. This Court need not determine the validity or the effect of Wolff's explanation for there can be no invasion of privacy to be invaded, that person must be in a private place, and one cannot create a private place by trespassing on another's property. Therefore, this incident was not an invasion of privacy.

Plaintiff Garduque claims that Wolff's search of the belongings in her purse was an invasion of privacy. The Restatement explains that one may intrude upon another's seclusion by examining his "private concerns," specifically including one's wallet. Restatement (Second) of Torts § 652B cmt. (b) (1977). Thus, the Court agrees with the plaintiff's assertion and holds

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<sup>4</sup> In the absence of applicable Palauan law, the Court relies upon the Restatement of the Law. 1 PNC § 303.

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Wolff liable to plaintiff Garduque in the amount of \$100.00 for invasion of privacy for the search of her purse.

Both plaintiffs also assert that their naked walk through Ngchesar Village was an invasion of their privacy. The claim constitutes an invasion of privacy as outlined at § 652D of the Restatement (Second) of Torts, which states:

One who gives publicity to a matter concerning the private life of another is subject to liability to the other for invasion of his privacy, if the matter publicized is of a kind that

- (a) would be highly offensive to a reasonable person, and
- (b) is not of legitimate concern to the public.

*Id.* This Court holds that Wolff ordered the plaintiffs to disrobe publicly. Moreover, at trial, Wolff testified that his purpose was to publicly humiliate the plaintiffs. The Court recognizes that one's own nude body is a distinctively private matter, and Wolff's actions in forcing the plaintiffs to display themselves on the main street of the village is a tortious invasion of their privacy, for which Wolff is liable. This action harmed the plaintiffs in that it degraded them as human beings in the eyes of the community.<sup>5</sup> Consequently, Wolff is ordered to pay Arugay \$ 2,000.00 in compensatory damages for damaging her reputation by forcing her to walk completely naked in the village. Wolff is ordered to pay defendant Garduque \$2,000.00 for damaging her reputation by forcing her to walk partially nude through the village.

### 1231 C. False Imprisonment

The plaintiffs contend that on October 12, 1993, defendant Wolff did not allow them to leave his house, and in fact, forcibly returned them when they tried to leave. In addition, plaintiffs claim that Wolff effectively forced them to go with him in his truck to Ngchesar Village on October 12, and again on October 17, 1993. To maintain a claim for false imprisonment, the plaintiffs must show that Wolff intended to confine them in a fixed area, the plaintiffs were confined, and the plaintiff were aware of their confinement. *See* Restatment (Second) of Torts § 35 (1965). One need not employ or even expressly threaten physical force to confine another; it is enough if his words or actions create a "reasonable apprehension" that force will be used, 32 Am. Jur. 2d *False Imprisonment* § 19 (1995), or that any attempt to flee would be futile. *Hallisburton-Abbot Co. v. Hodge*, 44 P. 2d 122, 125 (Okla. 1935). In determining whether such apprehension is present, the fact finder may consider the "sex, physical demeanor, and relative size, age, and experience of the participants." 32 Am. Jur. 2d *False imprisonment* § 19 (1995).

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<sup>5</sup> Forcing the plaintiffs to display themselves publicly also caused them great emotional distress. Recovery for this specific injury, however, is provided by the Court's compensatory damage award under the intentional infliction of emotional distress analysis. Allowing recovery under the invasion of privacy tort for the same damage would contravene the rule barring double recovery. *See* 22 Am. Jur. 2d *Damages* § 35 (1988); 62A Am. Jur. 2d *Privacy* § 256 (1990).

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Taking into account the factors listed above, the Court finds that Wolff falsely imprisoned the plaintiffs at Kles from October 12 through 17. On October 12, the plaintiffs attempted to flee Wolff's house. Wolff found them and ordered them into his truck, and then drove them to Ngchesar Village. Although he never threatened to use force on the plaintiffs if they refused to accompany him in this instance, it is apparent that the plaintiffs realized that any attempt to flee Wolff would be futile. This can be inferred from the simple fact that their instant attempt to escape had been thwarted by Wolff and his neighbors. It proved to the plaintiffs that no one in the community would help them escape and made them aware that they were completely confined to Kles. In addition, Wolff emphasized the plaintiffs aware that Wolff would use physical force to punish them if they disobeyed. Thereafter, until Wolff's departure on October 18, the plaintiffs were falsely imprisoned by Wolff. The plaintiffs' damages on this count, however, are limited, as they were working for Wolff pursuant to a voluntary contractual relationship and had become mentally acclimated to living and working under Wolff's tight rein. Accordingly, the Court orders Wolff to compensate the plaintiffs for this false imprisonment in the amount of \$3,000.00 each.

D. Intentional Infliction of Emotional Distress

The plaintiffs' claim for intentional infliction of emotional distress is perhaps the most pertinent to the defendant Wolff's actions on October 17, 1993. The Restatement provides that

One who by extreme and outrageous conduct intentionally or recklessly causes severe emotional distress to another is subject to liability for such emotional distress . . .

*Id.* at § 46. Wolff's conduct rose to the level required by this section on October 17.

The outrageous conduct by Wolff was forcing the plaintiffs to walk naked through the village. By Wolff's own testimonial admission, this act was intended to humiliate the plaintiffs as much as possible. Such behavior is so extreme as to be an outrage to human decency and dignity. This event caused severe emotional distress to the plaintiffs when it occurred, and has left lasting emotional scars upon them ever since. Plaintiff Garduque has 1232 been the most profoundly damaged by this event. She emotionally and convincingly testified that she has continued to have upsetting memories of the incident and she has been unable to work effectively due to these flashbacks. Accordingly, the Court orders Wolff to pay \$50,000.00 in compensatory damages to plaintiff Garduque and \$50,000.00 in compensatory damages to Plaintiff Arugay.

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E. Conversion

Plaintiff Garduque also asserts that on October 12, 1993, Wolff took \$ 117.00, and various papers from her purse. This, she asserts, is a conversion of her property. Wolff testified that he did take the money, but that it was rightfully his, because plaintiff Garduque had stolen it from him. The Court does not believe Wolff's unsupported assertion, and finds that Wolff took Garduque's money in order to maintain control over her, consistent with his pattern. Consequently, this Court holds Wolff liable for conversion and orders him to pay \$157.88<sup>6</sup> in compensatory damages to Garduque.

F. Punitive Damages

The Court finds that defendant Wolff's conduct in raping Garduque and in forcing both plaintiffs to walk naked through the village of Ngchesar was extreme, outrageous, and malicious. Society has a vital interest in punishing Wolff for these acts and in deterring him and others from similar behavior. Accordingly, the Court orders defendant Wolff to pay \$80,000.00 in punitive damages to plaintiff Garduque and \$40,000.00 in punitive damages to plaintiff Arugay.<sup>7</sup>

II. The Plaintiffs' Claims Against  
Defendant Lourdesta Eldebechel

Plaintiffs also assert each of the aforementioned claims against defendant Eldebechel in this action. While it is true that Eldebechel was present during many of the actions which are the subject of this suit, it is also clear to this Court that she exercised very little control over the situations involving Wolff and the plaintiffs. In fact, both plaintiffs expressed that the only time that Eldebechel showed anger towards them was on October 17, 1993. Defendant Eldebechel's actions on that day constitute an assault and battery.

The plaintiffs offered consistent descriptions of Eldebechel's actions at the kitchen meeting during the morning of October 17. They testified that Eldebechel took a knife from the kitchen drawer and positioned herself in front of them, knife in hand. She began to question the plaintiffs as they sat in their chairs, all the while 1233 punctuating her speech with thrusts of the knife towards the plaintiffs' faces. At times, the knife stopped only inches from the plaintiffs.

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<sup>6</sup> This damage figure is the product of the principle amount converted, multiplied by a 9% interest rate to the present day.

<sup>7</sup> The Court recognizes that the wealth of the defendant can also be considered by the trier of fact in determining the correct amount of a punitive damages award. *Restatement (Second) of Torts* § 908(2) (1977). While defendant was heard to protest at trial that he was in dire financial straits, he wholly failed to produce any tangible evidence -- tax returns for examples -- to substantiate this claim. It is clearly the burden of the defendant to prove his modest means if he wants this fact to be considered in mitigation of punitive damages. *Zarcone v. Perry*, 572 F. 2d 52 (1987). Defendant has failed to carry this burden and accordingly, his financial situation was not considered in assessing the amount of punitive damages. In determining this punitive damage award, the Court considered the character of the defendant's acts and the degree of harm that these acts caused the plaintiffs. *Restatement (Second) of Torts* § 908(2) (1977).

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Plaintiffs' testimony further shows that Eldebechel proceeded to walk behind the plaintiffs and repeatedly stab the back of the chairs in which they sat; the force of the blows was enough to move the plaintiffs' chairs across the floor. The plaintiffs concede that Eldebechel never directly touched them with the knife, yet Eldebechel is nevertheless liable for battery. *Restatement (Second) of Torts* § 18 states that a battery can be committed by indirectly causing offensive contact to one's person. Eldebechel's threatening actions with the knife, culminating in her stabbing of the chairs upon which the plaintiffs backs were resting, legally constitutes an assault and battery, as this conduct was intended to, and did, cause offensive bodily contact to the plaintiffs. *See, id.* at comment (C).

Defendant Eldebechel is directed to pay \$6,000.00 in compensatory damages to each plaintiff.

### III. Defendant Wolff's Counterclaims Against the Plaintiffs

Defendant Wolff counterclaims for tortious breach of contract, conversion, defamation and malicious prosecution.

#### A. Tortious Breach of Contract

Defendant Wolff counterclaims that the plaintiffs' actions during their employment with him amount to a "tortious breach of contract." Wolff has cited no cases in support of this claim, and the Court is unaware of the existence of a such a claim in the law. While certain conduct that serves to breach a contract might also independently amount to a tort, a tort cannot arise from the mere fact that a contract is breached. Thus, the Court assumes that Mr. Wolff intended to counterclaim for a simple breach of contract.

The Court finds that Mr. Wolff's pleadings and evidence on this contract claim fall well below the standards expected of litigants. Wolff did not specify the contractual obligations which the plaintiffs supposedly breached, nor did he provide evidence of any compensable damages therefor at trial. Therefore, the Court finds that Wolff failed to prove this breach of contract claim.

#### B. Conversion

Defendant Wolff alleges that on several occasions the plaintiffs stole money from him. The Court does not find these allegations credible due to the fact that Wolff never reported said thefts to the authorities nor did he provide the Court with any evidence to prove this claim. Therefore, there is no basis to hold plaintiffs liable for conversion.

#### C. Malicious Prosecution

Wolff contends that the plaintiffs are liable for malicious prosecution as a result of their actions in reporting to the police that Wolff possessed handguns. It is undisputed that the

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plaintiffs' report was the basis for a search warrant that led to Criminal Action No. 320-93, *ROP v. Martin Wolff*, of which Wolff was acquitted. In order to maintain a cause of action for malicious prosecution, the party that induces criminal proceedings must have done so "without probable cause." *ROP v. Martin Wolff*, of which Wolff was acquitted. In order to maintain a cause of action for malicious prosecution, the party that induces criminal proceedings must have done so "without probable cause." *Restatement (Second) of Torts* § 653. This element is not present here. The fact that an information was filed against Wolff for these charges and the case went to **1234** trial is proof that there was probable cause to initiate the proceedings. *Cf. Id.* at § 664. Moreover, in light of the judicially-noticed fact that the guns were registered to Wolff and were in his house at Kles, it would be unfathomable to state that there was no probable cause to initiate the criminal proceedings. That Wolff was eventually acquitted after the trial does not evidence a lack of probable cause. *Id.* at § 667. Thus, the Court holds that the plaintiffs are not liable to Wolff for malicious prosecution.

#### D. Defamation

Finally, the defendant Wolff claims that plaintiff Garduque made public the falsehood that he was paying them extra money for sex, and that this rumor damaged his reputation in the community. Wolff has failed to prove to this Court that Garduque published the rumor. Therefore, Garduque is not liable to Wolff for defamation.

#### CONCLUSION

For the foregoing reasons, the Court finds defendant Wolff liable to plaintiffs Jane Arugay and Flordeliza Garduque for Assault and Battery, Invasion of Privacy, False Imprisonment, Intentional Infliction of Emotional Distress, and Conversion. In addition, the Court finds defendant Loudesta Eldebechel liable to plaintiffs Jane Arugay and Flordeliza Garduque for Assault and Battery. Defendants Wolff and Eldebechel are ordered to remit to plaintiffs the amounts assigned in the Judgment filed contemporaneously herewith.

Counter-defendants Jane Arugay and Flordeliza Garduque are found not liable to counter-claimant Wolff for all counterclaims asserted by him this action.