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Court Rejects Defendants' Attempt to Block Malespina Appeal; Litigation Over Free Speech and Defamation Continues

SOUTH ORANGE, NJ — A significant hurdle has been cleared in the legal battle for Elissa Malespina as the Superior Court of New Jersey, Appellate Division, has officially denied a motion by defendants Courtney Winkfield, Rachel Fisher, and Stephanie Nasteff to dismiss her appeal.

The ruling, issued on February 19, 2026, by Judge Robert J. Gilson, rejected the defendants' "Motion for Summary Disposition". In a supplemental note, the Court clarified that "the appeal will be heard in the normal course," allowing the merits of the case to be fully argued before a panel.

The Court's decision follows a period of intense pressure from opposing counsel. In a letter dated December 22, 2025, Zachary D. Wellbrock of Anselmi & Carvelli LLP, representing the defendants, demanded that Ms. Malespina immediately withdraw and dismiss her appeal. The correspondence included explicit threats of financial sanctions, stating that if the appeal was not withdrawn within 28 days, the defense would seek fees and sanctions against both Ms. Malespina and her legal counsel, James H. Davis III, personally. The defense characterized the appeal as being "in violation of Rule 1:4-8" and "without merit".

Despite these threats, Ms. Malespina and her counsel refused to drop the appeal, leading the defendants to file the now-denied motion for summary disposition.

"This ruling is a victory for due process," said James H. Davis III. "We refused to be intimidated by threats of sanctions or demands for a voluntary dismissal. The Court's decision to hear this case in the normal course validates our commitment to seeing this matter through to a fair conclusion on its merits."

The litigation stems from a complaint involving defamatory statements by Winkfield and others. The Appellate Division will now proceed to review the previous decisions made in the lower court.

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