



BULLETIN

SUMMARY JUDGMENT UPDATE — Part II Summary Judgment Motions in Defamation Actions: 1986–1994

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EXECUTIVE SUMMARY

1. LDRC systemically examined motions for summary judgment by media defendants in defamation actions reported between June 25, 1986 — the date of the Supreme Court decision in *Anderson v. Liberty Lobby*, 477 U.S. 242 (1986) — and December 31, 1994.¹ The new LDRC study updates summary judgment data previously reported by LDRC dating back to 1980.

2. A total of 553 cases were charted in the post-*Liberty Lobby* period (1986–94): 268 in the period from *Liberty Lobby* to the end of the 1980s and 285 between January 1, 1990, and December 31, 1994; 180 in federal court and 373 in state court. A total of 933 motions in those cases were decided: 486 in the 1986–89 period and 447 in the 1990–94 period; 550 at the trial court level and 383 appeals; and 252 in federal courts and 681 in state courts.

3. Overall, during the post-*Liberty Lobby* period (1986–94), defendants were more successful in obtaining summary judgment than in prior LDRC studies. Summary judgment motions were resolved favorably to media defendants in 76.7% of the decisions during the new study period. The new data show a steady increase in the overall favorable rate, from 74.6% in 1980–86 to 75.1% in 1986–89 to 78.2% in 1990–94. Over the entire 15-year period studied by LDRC, summary judgment motions were resolved in media defendants' favor in 75.8% of cases reported.

4. At the trial court level defendants were also more successful in obtaining summary judgment during the post-*Liberty Lobby* period. Defendants obtained summary judgment on 83.1% of motions made at the trial court level (456 of 550 motions). Again, the new study found a steady increase in defendants' success rate over that reported in previous studies, increasing from 79.5% during 1980–86 to 79.9% in 1986–89 to 86.7% during 1990–94. Over the entire period covered by LDRC studies, 1980–94, defendants obtained summary judgment on 82.2% of their trial court motions.

5. Defendants' success rate at the appellate level also increased slightly during the new study period, although appellate courts were more active in reversing trial court dispositions of summary judgment motions. Appeals were resolved in defendants' favor in 72.6% of all cases during 1986–94 versus 72.3% of appeals in 1980–86. Although appellate courts affirmed grants of summary judgment somewhat less frequently during the new study (73.1% affirmance rate on plaintiff's appeals during 1986–94 compared with 76.4% in 1980–86), they affirmed denials of summary judgment significantly less frequently (26.6% affirmance rate on defendants' appeals in 1986–94 versus 47.1% in 1980–86). Over the entire 15-year period studied by LDRC, appeals were resolved in media defendants' favor in 72.5% of cases reported.

¹LDRC gratefully acknowledges the invaluable assistance of several student interns in the researching and preparation of this BULLETIN. John Maltbie (Brooklyn School of Law, class of 1996) read and was responsible for the initial cataloguing of the significant majority of the motions charted in this BULLETIN. He was assisted by Suzanne Brackley (Brooklyn School of Law, class of 1995), Brendan Healey (NYU School of Law, class of 1997), and Robert Sommer (Brooklyn School of Law, class of 1996).

6. Defendants' success rates showed consistent improvement by several other measures as well. Thus, defendants were successful in obtaining summary judgment in 82.8% of cases involving public figure plaintiffs during 1986–94, up from the 77.8% rate reported for 1980–86. They were successful in 65.0% of cases involving private figure plaintiffs, up from 57.6%. Defendants were successful in 75.0% of cases decided in federal court, up from 73.7%. And they were successful in 77.8% of cases decided in state court, up from 74.9%.

7. LDRC's new study also found that the Supreme Court's decision in *Liberty Lobby* has had a strong positive effect upon defendants' success rate. Thus, in cases in which the court cited *Liberty Lobby* for the requirement that the plaintiff establish clear and convincing evidence of actual malice at the summary judgment stage, defendants were far more successful than overall, prevailing on 96.9% of trial court motions (63 of 65 motions) and 88.7% of appeals (47 of 53 appeals).

8. Finally, the LDRC study found an even higher rate of success on claims against media defendants ancillary to defamation, such as the privacy torts and intentional infliction of emotional distress. Overall, defendants succeeded on 85.6% of motions involving such other claims.

I. INTRODUCTION

This is the second part of LDRC's two-BULLETIN update on summary judgment in media defamation and related actions. In Part I (LDRC BULLETIN No. 95(2), at 1–35 (April 30, 1995)), LDRC published its "Practitioners' Roundtable" on Summary Judgment, presenting a variety of practical insights into litigating this vitally important phase of media defamation actions. In this Part II, LDRC presents the findings of its new empirical study of the incidence and results of reported summary judgment motions in media defamation cases. The new study brings LDRC's statistical data on summary judgment up to date through December 31, 1994, and links that data all the way back to LDRC's earlier summary judgment studies covering the period 1980–1986.

The first of the three previous LDRC summary judgment studies, see LDRC BULLETIN No. 4 (Part 2), at 2–35 (September 15, 1982), addressed the media's initial concerns over footnote 9 of *Hutchinson v. Proxmire*, 443 U.S. 111, 120 (1979). That footnote, in an opinion for the Court by Justice Burger, had seemed to question the appropriateness of summary judgment in constitutional libel actions where "actual malice" was the dispositive issue. Nonetheless, LDRC found that in 110 motions made during the immediate post-*Hutchinson* period, 1980–1982, three out of four motions were granted in favor of the media defamation defendant.

The second LDRC summary judgment report, see LDRC BULLETIN No. 12, at 1–37 (December 31, 1984), a followup study of 136 motions made during the period 1982–1984, found only a slight slippage in media defense success — to a 74% win rate overall — and concluded that summary judgment continued to be "the rule rather than the exception in defamation litigation."

Finally, in the third of these earlier summary judgment studies, see LDRC BULLETIN No. 19

at 1-45 (May 31, 1987), which covered the period immediately up to the Supreme Court's pivotal decision in *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986), LDRC's review of an additional 143 motions found a similar, although slightly greater, defense win rate of 76%. That study concluded — based by that time on almost seven years of data — that the fallout from *Hutchinson* footnote 9 had not been severe, and expressed optimism that, with the seemingly more favorable approach to summary judgment that appeared to have been adopted in the *Liberty Lobby* case, the future might portend an even "greater degree of success" for media defendants.

In this BULLETIN, LDRC comprehensively examines summary judgment motions in media defamation actions and the fallout of *Liberty Lobby*, providing systematic proof — based on an additional eight-plus years of new data — not only that summary judgment continues to be the rule rather than the exception in media defamation litigation, but that the promise of a "greater degree of success" in the post-*Liberty Lobby* period has in most significant respects been realized.

The report that follows, presenting LDRC's latest empirical findings, is an extensive one. Every effort has been made, however, to assure that the rather massive body of data presented has been organized in a fashion reasonably accessible both to the casual reader as well as to those wishing to dig more deeply into the many tables, and the extensive case list, that have been included.

In Section II, contextual background is provided on development of the modern constitutional approach to summary judgment and on the importance of summary judgment in media defamation litigation.

Section III describes at greater length the many findings of the new LDRC study, which has been broken into two periods — 1986-89 and 1990-94 — and compares the results to the data for the 1980-86 period previously studied. Section IV provides a brief narrative conclusion to the LDRC report.

In Appendix A, Tables 1-17 comprehensively quantify the results of the current and prior LDRC summary judgment studies. Finally, Appendix B presents a bibliographic listing of the reported cases studied, organized alphabetically within circuit and state for ease of reference, with information on the results of each case, the nature of the plaintiff, the summary judgment and appellate standards applied and the legal issues and claims discussed or resolved.

II. BACKGROUND

In the years following *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964), when considering defendants' motions for summary judgment in defamation actions, more and more courts came to afford special procedural protections, grounded in the substantive protections applicable to such actions under *Sullivan* and its progeny. The Fifth Circuit, for example, held that, "where a publication is protected by the *New York Times* immunity rule, summary judgment, rather than trial on the merits, is the proper vehicle for affording constitutional protection . . ." *Bon Air Hotel v. Time*, 426 F.2d 858, 864-65 (5th Cir. 1980). The D.C. Circuit similarly reasoned that, "[i]n

the First Amendment area, summary procedures are even more essential. For at stake here, if harassment succeeds, is free debate.” *Washington Post Co. v. Keogh*, 365 F.2d 965, 968 (D.C. Cir. 1966), *cert. denied*, 385 U.S. 1011 (1967). And in the Second Circuit it was noted that, “the courts in libel actions have recognized the need for affording summary relief to defendants in order to avoid the ‘chilling effect’ on freedom of speech and press.” *Meeropol v. Nizer*, 381 F. Supp. 29, 32 (S.D.N.Y. 1974, *affirmance*’d, 560 F.2d 1061 (2d Cir. 1977), *cert. denied*, 434 U.S. 1013 (1978). Indeed, prior to 1979 a consensus appeared to be forming that summary judgment was “favored” in constitutional defamation cases. At the apogee of this approach favoring early pretrial dismissal, courts were wont to observe that summary judgment “may well be the ‘rule’ rather than the exception in defamation litigation.” See, e.g., *Oliver v. Village Voice*, 417 F. Supp. 235 (S.D.N.Y. 1976).

In 1979, however, the Supreme Court seemed to question the appropriateness of summary judgment — at least in the many constitutional defamation cases governed by *Sullivan*’s “actual malice” standard. In what became the infamous “footnote 9,” Justice Burger in *Hutchinson v. Proxmire*, 443 U.S. 111, 120 (1979), threw what seemed almost to be a deliberate monkey wrench into the picture, questioning the notion that summary judgment in constitutional defamation cases “might well be the rule rather than the exception”:

[W]e are constrained to express some doubt about the so-called “rule.” The proof of “actual malice” calls a defendant’s state of mind into question, and does not readily lend itself to summary disposition.

Initially, many observers feared that footnote 9 might deal a potentially crippling blow to efforts by media defendants’ to avoid — or at least reduce — the chilling effects of libel litigation. It was at around this time that media groups established the Libel Defense Resource Center. One of the early studies performed by the new organization was an assessment of whether footnote 9 of *Hutchinson* had, in fact, adversely affected the availability of summary judgment in defamation actions. In that Study, covering the two-year period immediately following *Hutchinson*, LDRC documented that — while *Hutchinson* may have influenced some courts to move toward a more “neutral” rhetoric on the issue of summary judgment — the practical impact of footnote 9 had not yet been substantial. LDRC’s Study concluded that “despite *Hutchinson*, summary judgment [was] still being granted in the great majority of cases raising the issue of actual malice . . .” See LDRC BULLETIN No. 4 (Part 2) at 4.

Thereafter, in 1984 LDRC did a followup Study to reassess the potential negative impact of footnote 9. A prime motivation for that second Study were signals that the Supreme Court might continue to mount an assault on special procedural protections in constitutional defamation cases. Thus, in *Calder v. Jones*, 465 U.S. 783, 790 (1983), Justice Rehnquist cited and apparently reaffirmed footnote 9 when he observed for the Court that:

[T]he potential chill on protected First Amendment activity stemming from libel and defamation actions is already taken into account in the

constitutional limitations on the substantive law governing such suits. . . . To reintroduce those concerns [as to procedural matters] would be a form of double counting. We have already declined in other contexts to grant special procedural protections to defendants in libel and defamation actions in addition to the constitutional protections embodied in the substantive laws [citing, *inter alia*, *Hutchinson* footnote 9] (implying that no special rules apply for summary judgment).

For this reason, concern was rekindled that the Supreme Court's view would impact negatively on the availability of summary judgment in media libel actions. Nonetheless, LDRC's 1984 Study once again documented that, in practice, summary judgment continued to be granted in almost three out of every four cases.

Yet cause for concern remained. In June, 1985 the Supreme Court granted *cert.* in *Liberty Lobby*, a defamation case hovering somewhere on the borderline — in the words of Justice Rehnquist in *Calder* — between appropriately recognized “constitutional limitations on the substantive law governing such suits” and the “special procedural protections to defendants in libel and defamation actions” which the Court had so recently disparaged as inappropriate “double counting.”

In *Liberty Lobby*, the District Court had granted summary judgment, finding as to each of numerous allegedly defamatory statements a complete absence of any meaningful proof of actual malice in light of the reporter's “thorough . . . journalistic research underlying each statement.” In the Court of Appeals, however, then-Judge Scalia affirmed the grant of summary judgment as to 21 of the 30 allegedly libelous statements but found, with respect to the remaining nine alleged libels, that defendant's motion could only be properly granted if *Sullivan*'s “clear and convincing” proof standard were incorporated into the analysis at the summary judgment stage. Despite substantial precedent supporting this approach, the D.C. Circuit held such a procedure to be inappropriate. In an analysis calculated to play upon and extend the Supreme Court's seeming questioning of the summary judgment mechanism in defamation litigation, Scalia held that:

Imposing the increased proof requirement at this stage would change the threshold summary judgment inquiry from a search for a minimum of facts supporting the plaintiff's case to an evaluation of the weight of those facts as well. It would effectively force the plaintiff to try his entire case in pretrial affidavits and depositions . . . Finally, if summary judgment were supposed to be based on a “clear and convincing” standard, it is hard to explain the Supreme Court's questioning the asserted principle that in public figure libel cases “summary judgment might well be the rule rather than the exception,” and affirming to the contrary that “[t]he proof of ‘actual malice’ . . . does not readily lend itself to summary disposition.”

[citation to *Hutchinson* footnote 9 omitted] There is slim basis for such a statement if, in order to survive a motion for summary judgment, the plaintiff must establish an arguably “clear and convincing” case. *Liberty Lobby v. Anderson*, 736 F.2d 1563, 11 Media L. Rptr. 1001, 1005-06 (D.C. Cir. 1994).

At the time the Supreme Court granted *cert.* in *Liberty Lobby*, although *cert.* preserved the possibility that the D.C. Circuit’s troubling ruling would be reversed, it was not easy to be entirely sanguine about the outcome. For this was the same Court that — as Judge Scalia observed — had so recently questioned the availability of summary judgment, and other “special procedural protections,” in defamation actions. Moreover, the threat of authoritative removal of the “clear and convincing” element at the summary judgment stage represented a far more serious challenge to the record of defense success documented by LDRC’s studies than had the rather vague suggestions of generalized antipathy toward summary judgment previously made by the Supreme Court. For the prior LDRC data decisively documented that it was the practical effect of the clear and convincing standard — and not the theoretical body language of footnote 9 — that most often carried the day on summary judgment motions in public plaintiff libel actions. See, e.g., LDRC BULLETIN No. 12, at 2 (noting continued high rates of summary judgment grants in public plaintiff cases and on the issue of actual malice notwithstanding *Hutchinson*).

It was consequently a great relief to media defendants when the Supreme Court rejected the grudging Scalia approach and ruled that the heightened evidentiary standard which applies to proof of constitutional actual malice in such cases must be taken into consideration at the summary judgment stage. Speaking for six members of the Court, Justice White held that “where the factual dispute concerns actual malice, clearly a material issue in a *New York Times* case, the appropriate summary judgment question will be whether the evidence in the record could support a reasonable jury finding that the plaintiff has shown actual malice by clear and convincing evidence or that the plaintiff has not.”

Justice White also alleviated some of the confusion and concern that had been created by *Hutchinson* when, in the context of adopting *Liberty Lobby*’s notably liberal summary judgment rule, he seemed to minimize the significance of footnote 9:

Our statement in *Hutchinson* . . . that proof of actual malice “does not readily lend itself to summary disposition” was simply an acknowledgment of our general reluctance “to grant special procedural protections to defendants in libel and defamation actions in addition to the constitutional protections embodied in the substantive laws” [citing *Calder*].

In other words, *Hutchinson* was not to be read as stating a rule intended generally to negate the availability of summary judgment in defamation actions — including on the issue of actual malice — or even as opposing the placement of a heavy burden on the public defamation plaintiff

at the summary judgment stage, but merely as reflecting a general predisposition not to “double count” by adding procedural protections not already incorporated into the substantive constitutional law of defamation. An arguably analogous result followed several years later in *Milkovich v. Lorain Journal Co.*, 497 U.S. 1 (1990), when the Court concluded that a special constitutionally based privilege for statements of opinion was unnecessary in light of the already heavy substantive constitutional burdens on libel plaintiffs to establish publication of a provably false statement of fact.

Notwithstanding its significance, *Liberty Lobby* left a variety of important questions to some extent unanswered.

First, although First Amendment principles were strenuously argued to the *Liberty Lobby* Court, there were indications that the case was decided less as one presenting constitutional defamation issues than as one construing Rule 56 of the Federal Rules of Civil Procedure. On that basis it was not entirely clear whether the liberal approach of *Liberty Lobby* would spawn a general rekindling of judicial activism at the summary judgment stage, motivated by an affirmative desire to vouchsafe First Amendment rights in all manner of defamation cases, or whether it would simply play itself out as a rather more neutral rule of civil procedure.

Relatedly, it was also not clear whether *Liberty Lobby* was to be seen as a case establishing constitutional standards binding even upon the states in any public plaintiff defamation action, or whether — as a rule of federal civil procedure — *Liberty Lobby* would have no significant or binding impact in state cases.

Finally, the principle of the *Liberty Lobby* case favoring summary judgment was by no means self-executing or unlimited in scope. In its immediate post-*Liberty Lobby* Study LDRC noted some of the early pitfalls of interpretation in applying *Liberty Lobby* that had already been encountered. For example, one case decided shortly after *Liberty Lobby* inappropriately relieved plaintiff of the burden of adducing clear and convincing evidence at the summary judgment stage by permitting the trial judge on the motion to speculate as to the hope or possibility that the plaintiff would by the time of trial be able to raise a convincing inference of actual malice. See LDRC BULLETIN No. 19, at 10-11.

Moreover, in *Liberty Lobby* Justice White himself took pains to note a series of potentially undermining limiting principles:

Our holding that the clear-and-convincing standard of proof should be taken into account in ruling on summary judgment motions does not denigrate the role of the jury. It by no means authorizes trial on affidavits. Credibility determinations, the weighing of the evidence, and the drawing of legitimate inferences from the facts are jury functions, not those of a judge, whether he is ruling on a motion for summary judgment or for a directed verdict. The evidence of the nonmovant is to be believed, and all justifiable inferences are to be

drawn in his favor . . . Neither do we suggest that the trial courts should act other than with caution in granting summary judgment in a case where there is reason to believe that the better course would be to proceed to a full trial.

At least one case decided shortly after *Liberty Lobby* relied on these cautionary *dicta* to justify denial of a motion for summary judgment that had been renewed based on the holding of *Liberty Lobby*. See discussion of *Newton v. NBC*, 13 Media L. Rep. 1224 (D. Nevertheless. 1986), in LDRC BULLETIN No. 19, at 11–12.

Despite such concerns, uncertainties and potential complications, it was impossible at the time *Liberty Lobby* was decided not to be relieved that the potentially destructive bullet of Judge Scalia's grudging approach to summary judgment had been dodged in an era that had otherwise witnessed a trimming back on procedural protections by the Supreme Court. Thus, it was perhaps inevitable that LDRC's study of summary judgment published shortly after the Court's decision in *Liberty Lobby* adopted an optimistic stance toward the future on the issue of summary judgment:

From all appearances, [*Liberty Lobby*] is, if anything, likely to *increase* the frequency with which courts grant summary judgment in public-figure defamation actions. . . After [*Liberty Lobby*] libel defense counsel should certainly be more aggressive in their use of summary judgment in appropriate cases. And, until proven otherwise, one must expect an even greater rate of defense success on summary judgment in libel actions to follow in [*Liberty Lobby*]'s wake. See LDRC BULLETIN No. 19, at 8.

Nearly a decade has passed now since *Liberty Lobby*. In the ensuing years the chilling potential of libel litigation, and thus the palpable benefits of summary disposition of such claims, has, if anything, increased — indeed it has increased quite dramatically. According to LDRC data in the post-*Liberty Lobby* period, media defendants won only between one out of three and one out of four of those actions where summary judgment was denied and the cases were tried to juries. See 1994 LDRC BULLETIN No. 1 at 5 (Table 1-B) (January 31, 1994). And in the trials lost, LDRC statistics on the size of jury awards against media defendants suggest a further powerful reason for seeking to avoid trial through the pretrial motion process. Thus, during the decade of the 1980s, LDRC found that the *average* initial jury award in such cases was almost \$1.5 million. And during the first four years of the 1990s the size of jury awards dramatically increased to an average of almost \$6 million, including over \$2 million on average in compensatory damages and over \$6 million on average in punitive damages. *Id.*, at 8-12. The bottom line of this troubling LDRC data is that juries in defamation cases are perfectly capable of ruling against those media defendants that have failed to secure summary judgment and of often awarding huge and unpredictable sums against the defendants in such cases.

In this light it can be seen that the issue of summary judgment remains of great importance.

Has LDRC's post-*Liberty Lobby* optimism about the continued availability of summary judgment to media defamation defendants been borne out by experience during this period of otherwise adverse trends at the trial court level? Has the period since *Liberty Lobby* seen an even greater rate of defense success on summary judgment than previously documented? Can any change in the frequency of summary judgment grants be attributed to the effects of *Liberty Lobby*, or to other identifiable factors? Has the rule of *Liberty Lobby* been applied correctly and expansively? Has the limiting language of *Liberty Lobby* been employed frequently or to detrimental effect? Have the states followed *Liberty Lobby* or otherwise continued to grant summary judgment with significant frequency?

It is time now, with another significant body of data at LDRC's disposal, to attempt to address if not answer these most consequential questions.

III. FINDINGS OF THE NEW LDRC SUMMARY JUDGMENT STUDY

A. OVERVIEW

LDRC studied a total of 553 cases (180 federal, 373 state) in which decisions on motions for summary judgment were reported during the period 1986–94. The data were divided into two study periods, one covering cases decided from the date of the Supreme Court decision in *Anderson v. Liberty Lobby* through the end of 1989 (268 cases) and the other cases decided between January 1, 1990, and December 31, 1994 (285 cases).

In many of the cases studied, actions on summary judgment were reported at more than one stage of the litigation, as, for example, where appeals were taken or motions were remanded for further consideration. Thus, the results of a total of 933 motions were charted: 486 in the 1986–89 period and 447 in the 1990–94 period; 550 at the trial court level and 383 appeals; and 252 in federal courts and 681 in state courts. A complete listing of each of the reported decisions appears in Appendix B, organized alphabetically within each federal circuit or state.² Included in the listing are case name and full citation, result, plaintiff status, procedural approach, issues considered, and — when present — related claims made.

Tables 1–17 report the results of the cases and decisions studied. Tables 1–5 report on the *ultimate* disposition of defendants' motions for summary judgment, that is, the final determination in the case after all considerations of the motion and any appeals have been resolved; Tables 6–10 report on the *initial disposition* of defendants' motions for summary judgment motions *at the trial court level*; and Tables 11–15 report on the *appellate review* of lower court rulings on these motions for summary judgment.

²The reported decisions in Appendix B do not include 28 federal and 267 state unreported trial court decisions that were only detected based on subsequently reported appeals — see Section III.C., *infra*, at footnote 7.

The tables report not only the overall results of defendants' motions for summary judgment but also examine the effects of potentially significant variables on the outcome. Thus, Tables 1, 6, and 11 present the *aggregate* results of all motions, either as to ultimate disposition (Table 1), trial results (Table 6), or appellate results (Table 11). Tables 2, 7, and 12 compare the ultimate, trial court, and appellate results, respectively, depending upon the *public- or private-figure status* of the plaintiff. Tables 5, 10, and 15 compare the results in *state versus federal court* at each of these stages of litigation. And Tables 4, 9, and 14 and 5, 10, and 15 give *circuit-by-circuit* and *state-by-state* breakdowns, respectively, for each stage.

Finally, Table 16 examines the court's disposition of the various *legal issues* considered on the motion for summary judgment in each case and Table 17 examines the disposition of *other claims and causes of action*.

B. ULTIMATE DISPOSITION OF SUMMARY JUDGMENT MOTIONS (TABLES 1–5)

In presenting data on the ultimate disposition of defendants' motions for summary judgment, Tables 1–6 treat each case as having a single discrete result, categorized as either "defendant prevails," "plaintiff prevails," or "partial." A defendant was considered to have prevailed if a trial court grant of summary judgment was not appealed or was finally affirmed, if a trial court denial was reversed and dismissed, or if a trial court denial was reversed and remanded and no further information was available. Conversely, a case was classified as "plaintiff prevails" if a trial court denial of summary judgment was not appealed or was finally affirmed or a trial court grant of summary judgment was finally reversed. In the data from the earlier LDRC study, "plaintiff prevails" also encompassed decisions in which defendant failed to fully obtain the relief requested. In the current study, the category "partial" was added to include decisions in which summary judgment was granted with respect to one or more claims or one or more media defendants.

1. Aggregate Results — Ultimate Disposition (Table 1)

As to the final disposition of defendants' motions for summary judgment, the results show a slow but steady increase in the media defendants' success rate over all periods studied, with defendants prevailing in 74.6% of reported cases in 1980–86, 75.1% of cases in 1986–89, and 78.6% of cases in 1990–94. Over the full post-*Liberty Lobby* period, defendants prevailed in 76.9% of cases. Over the entire 15-year period covered by the LDRC studies, the success rate on such motions was 75.9%.

Additionally, in the period 1986–94, partial summary judgment was entered in favor of media defendants — dismissing either some claims or some defendants — in another 8.1% of cases. If such partial results are included, plaintiffs were successful in entirely deflecting entry of summary judgment in only 15.0% of cases in 1986–94. Over the entire period covered by LDRC studies, 1980–94, plaintiffs' success rates declined, from 25.4% in 1980–86 to 15.6% of cases in 1986–89

to 14.4% of cases in the most recent period, 1990–94.³

2. Public Versus Private Figure — Ultimate Disposition (Table 2)

In LDRC's previous studies, defendants were ultimately successful in a significantly higher percentage of cases involving public figure plaintiffs than private figure plaintiffs.⁴ During 1980–86, defendants prevailed in 77.8% of cases involving public figures and only 57.6% of cases brought by private figure plaintiffs.

This divergence between the success rate in public and private figure cases continued over the full post-*Liberty Lobby* period, with defendants obtaining dismissals in 82.8% of public figure cases versus only 65.0% of private figure cases. The gap between defendants' success rate in public and private figure cases narrowed somewhat over the two new periods studied, however (80% versus 52.9% in 1986–89, and 84.7% versus 71.0% in 1990–94). Over the entire period covered by the LDRC studies, 1980–94, defendants were ultimately successful in securing summary judgment in 81.5% of cases involving public figure plaintiffs, versus 63.2% of cases involving private figures.

3. State Versus Federal Court — Ultimate Disposition (Table 3)

During 1980–86, defendants were ultimately successful in obtaining summary judgment in slightly more cases brought in state court (74.9%) than in federal court (73.7%). This divergence was maintained in the post-*Liberty Lobby* period, with 77.8% of motions ultimately granted in state court versus 75.0% in federal court. In 1986–89, the ultimate grant rates were 75.8% in state versus 73.6% in federal court; and in 1990–94, they were 79.7% in state versus 76.3% in federal court. Over the entire 1980–94 period, the respective grant rates in state and federal court were 76.6% and 74.4%.

A word of caution in drawing broad conclusions from the federal–state data is appropriate, particularly as the results are somewhat counterintuitive. One possible explanation for defendants' apparently higher success rate in state court may be an undercounting of unfavorable state court rulings. Unlike federal courts, which frequently publish their significant substantive decisions, in many states no trial court decisions are published. Even in those states that do publish trial court decisions, it is also possible that more state trial judges deny motions for summary judgment informally, without written opinion, than do federal district court judges. Such factors may have the effect of artificially depressing the number of unfavorable state court decisions included in the

³Because partial grants were not separately reported in LDRC's 1980–86 studies, but aggregated into the plaintiffs' success rate, by comparison with the new data the 25.4% plaintiffs' success rate in 1980–86 is overstated to the extent that it includes cases in which summary judgment was obtained either as to some defendants or some claims.

⁴As the plaintiff's status is not always clear from the reported decisions, data on plaintiff status are limited to cases in which the status could be definitively determined. For example, in the new study period the plaintiff's status was identifiable in only 310 of the 553 cases.

LDRC sample.

Moreover, the incidence of partial grants of summary judgment is an additional factor that must be considered when comparing the results in state and federal court. During 1986–94, federal courts awarded partial summary judgment — that is, summary judgment as to either some claims or some media defendants — twice as frequently as did their state counterparts (12.2% versus 6.1%). As a result, summary judgment was completely denied in 16.0% of cases brought in state court, versus only 12.8% of cases brought in federal court.

4. Circuit-by-Circuit — Ultimate Disposition (Table 4)

Table 4 presents the ultimate circuit-by-circuit results for the full post-*Liberty Lobby* period of 1986–94.⁵ Among the circuits presented with the greatest number of appeals, defendants ultimately prevailed in 81.8% of motions for summary judgment brought in the Second Circuit (18 of 22) and 81.0% of motions brought in the Fifth Circuit (17 of 21), but only 61.5% of motions brought in the Ninth Circuit (16 of 26). Among circuits with fewer decisions, and thus somewhat less basis for confident conclusions, results ranged from a high of 100% favorable to defendants in the First and Seventh Circuits (in 6 and 12 cases, respectively) to a low of 37.5% in the Eighth Circuit (in 8 cases).

5. State-by-State — Ultimate Disposition (Table 5)

As with the results in individual circuits, Table 5 presents state-by-state results only for the 1986–94 period. In states with the greatest number of decisions, defendants ultimately prevailed in 82.6% of motions for summary judgment in California (19 of 23), 82.1% of motions in Ohio (23 of 28), and 81% of motions brought in New York (51 of 63) but in only 68.2% of motions in Georgia (15 of 22) and 62.5% in Texas (15 of 24). In states with somewhat fewer motions reported, defendants were fully successful in 91.7% of cases in Louisiana (11 of 12 motions ultimately granted and one motion partially granted) and 83.3% in Pennsylvania (10 of 12 motions ultimately granted). In states reporting only a handful of decisions, defendants' success rates ranged all the way from 0% to 100%, but confident conclusions cannot be drawn from such limited data.

C. SUMMARY JUDGMENT AT THE TRIAL COURT LEVEL (TABLES 6–10)

Tables 6–10 report on the number and percentage of grants, partial grants,⁶ and denials of summary judgment in 550 motions at the trial court level, both as to aggregate results and results with respect to variables such as public versus private figure, state versus federal, and circuit-by-

⁵The 1986–89 and the 1990–94 periods were aggregated because the data were sparse in some of the individual circuits. Data on the individual circuits were also not available for the earlier study periods.

⁶Partial grants were defined as cases in which summary judgment was granted either on one or more issues or as to one or more media defendants.

circuit and state-by-state breakdowns. In some instances, the same case may have resulted in more than one reported decision and therefore be counted more than once in the trial court tables — for example, when a defendant has moved for reconsideration or a case is remanded after appeal. Moreover, some cases were unreported at the trial court level but identified in reported appellate decisions. In order to better reflect the incidence and results of summary judgments motions made at the trial court level, these unreported decisions were also entered into the database used to generate Tables 6–10.⁷

1. Aggregate Trial Court Results (Table 6)

Previous LDRC studies had documented an impressive success rate for defendants in obtaining summary judgment at the trial court level, with 79.5% of defendants' motions granted in the 1980–86 period. This rate increased slightly, to 79.9% in 1986–89, and then rose more sharply in the 1990–94 period, during which 86.7% of defendants' motions were granted by the trial court. Overall, the trial court grant rate in the post-*Liberty Lobby* period was 83.1%. Over the entire period covered by the LDRC studies, 1980–94, defendants' summary judgment motions at the trial court level were fully granted in 82.2% of reported cases, partially granted in 3.5% of cases, and fully denied in only 14.3% of cases.

2. Public Versus Private Figure — Trial Court Results (Table 7)

Although plaintiff status appears to be a significant factor in defendants' ultimate success rates, with summary judgment entered in 82.8% of cases involving public figure plaintiffs and only 65.0% of cases involving private figure plaintiffs in the 1986–94 period, *see* Table 2, this divergence was decidedly less marked at the trial court level. Over the same period, trial courts granted summary judgment in 85.3% of cases involving public figures and 80.9% of cases involving private figures. And in the most recent period (1990–94), the trial court divergence was even less marked, with the dismissal rates in public figure cases within two percentage points of those in private figure cases (86.7% versus 85.0%).

3. State Versus Federal — Trial Court Results (Table 8)

During the 1986–94 period, state and federal trial courts were closely equivalent in their approach to defendants' initial motions, with summary judgment granted in full in 82.9% of the cases brought in state court and 83.5% of the cases brought in federal court. When partial grants of

⁷Without reconstructing these unreported decisions, the results for state courts in the period 1990–94 would have been a 100% summary judgment grant rate, an obvious overstatement. Indeed, even including these decisions in the LDRC sample, it is uncertain whether all denials of summary judgment at the trial court level have been accounted for in a number of states. For example, in those states in which interlocutory appeals are not permitted, it was not possible to track trial court denials of summary judgment unless the decision was reported. This led to an artificially high success rate for defendants at the trial court level in states such as Texas, Florida, and Georgia. *See infra*, section III.C.5.

summary judgment are factored in, however, defendants fare even better in federal court — during 1986–94, federal trial courts awarded partial summary judgment more than three times more frequently than their state counterparts (8.8% versus 2.7%). Thus, during the new study period, 1986–94, summary judgment was denied outright in 14.4% of cases decided by state trial courts, versus only 7.7% of cases decided by federal trial courts.

The data suggest, however, that state trial courts may be increasingly responsive to media defendants in the 1990s, with the rate of full grants in state court having increased from 77.9% in 1986–89 to 88.4% in 1990–94 while falling slightly in federal court, from 83.8% to 83.1%, during the same periods.

4. Circuit-by-Circuit — Trial Court Results (Table 9)

Table 9 presents circuit-by-circuit results for the full post-*Liberty Lobby* period of 1986–94.⁸ Among the circuits in which the most cases were identified, defendants were successful in the trial court on 90.5% of the motions brought in the Sixth Circuit (19 of 21 motions fully granted) and 86.4% of motions in the second circuit (19 of 22 motions fully granted). Although trial courts in the Ninth Circuit fully granted summary judgment in only 78.6% of cases (22 of 28), partial summary judgment was awarded in 17.9% of cases, so that defendants' motions were fully denied in only one of 28 cases (3.6%) in the Ninth Circuit. Although fewer cases were involved, defendants' trial court motions achieved a perfect success rate in the Seventh Circuit (12 of 12 motions fully granted) and a nearly perfect rate in the Fourth Circuit (12 of 13 motions fully granted [92.3%], with the other motion partially granted). By contrast, trial courts in the D.C. Circuit fully granted summary judgment on only 68.4% of motions brought (13 of 19 cases). Trial courts in the Eighth Circuit were even more grudging, awarding summary judgment in only 50% of the relatively few cases charted (4 of 8).

5. State-by-State — Trial Court Results (Table 10)

Among the states, there was a similarly broad range of results in the trial courts. In states in which a reasonably large number of decisions were reported, based on available data the states most favorably disposed to defendants' motions included Texas, in which summary judgment was fully granted in 22 of 22 motions, followed by Florida (18 of 19 motions fully granted [94.7%] and 0 motions fully denied), Georgia (19 of 21 motions fully granted [90.5%] and only 1 fully denied [4.8%]), and Michigan (21 of 24 motions fully granted [87.5%]).⁹ By contrast, New York and

⁸The two periods were aggregated because the data were sparse in some of the individual circuits. Data on the individual circuits were also not available for the earlier study periods.

⁹These success rates are overstated, however. Prior to 1993, interlocutory appeals were not permitted in Texas, and trial court decisions in Texas are unpublished, making it impossible to track denials of summary judgment at the trial court level. And according to the 1994–95 LDRC 50-STATE SURVEY OF LIBEL LAW, although Florida recognizes a right of interlocutory appeal in certain circumstances, no libel judgment has been the subject of an interlocutory

California were the least hospitable of states reporting a significant number of trial court motions, with grant rates of only 64.5% and 69.6%, respectively.¹⁰

If these results seem somewhat counterintuitive, in part it may be because they were substantially altered upon appellate review. For example, New York and California are among the states most favorable to defendants' motions as to ultimate disposition, whereas Texas, Florida, and Georgia are among the least favorable. *See* Section III.B.5, *supra*; *see also* Section III.D.5, *infra*.

D. APPELLATE REVIEW OF SUMMARY JUDGMENT MOTIONS (TABLES 11–15)

The appellate review tables (Tables 11–15) report the results of 316 plaintiffs' appeals and 67 defendants' appeals and then combine these results to obtain an overall success rate on motions for summary judgment. *Plaintiffs'* appeals are reported as the number and percentages of affirmances, reversals, and partial affirmances of trial court grants of summary judgment. *Defendants'* appeals are reported as affirmances, partial affirmances, dismissals, and remands to the trial court. In tabulating the *overall success rates*, defendants were considered to have prevailed on appeal when an initial grant was affirmed or an initial denial was either reversed and dismissed or reversed and remanded. Conversely, plaintiffs were considered to have prevailed when a trial court denial of summary judgment was affirmed or a grant was reversed.

As with Tables 6–10, the same case may have resulted in more than one reported appellate decision and therefore be counted more than once in the appellate review tables — as, for example, when a case is taken through more than one level of appeal. Because Tables 11–15 report on every appellate motion made, they may include cases in which the decisions of intermediate appellate courts were reversed by higher courts.

1. Aggregate Appellate Results (Table 11)

Tables 11A–11C report on 316 plaintiffs' appeals from grants or partial grants of summary judgment and 67 defendants' appeals from denials or partial denials during 1986–94. During the pre-*Liberty Lobby* period, defendants fared significantly better than plaintiffs upon appellate review, as courts affirmed grants of summary judgment in 76.4% of reported plaintiffs' appeals but affirmed denials of summary judgment in only 47.1% of defendants' appeals. *See* Tables 11A, 11B. In the 1986–94 period, this disparity widened, with appellate courts affirming 73.1% of trial court grants of summary judgment and only 26.6% of trial court denials of summary judgment. Over the entire period covered by the LDRC studies, 1980–94, grants of summary judgment were affirmed in 74.2% of plaintiffs' appeals whereas denials of summary judgment were affirmed in only 33.7% of

appeal.

¹⁰Despite this apparent inhospitality to defendants' motions for summary judgment at the trial court level, California and New York remain among the states that are ultimately the most favorable to such motions. *See* Table 5 and Section III.B.5.

defendants' appeals.

If there was a difference in the attitudes of appellate courts during the most recent periods studied, it was that they appeared to be increasingly more active in reversing the disposition at the trial court level, whether favoring plaintiffs or defendants. On appeals by plaintiffs, the affirmance rate of trial court grants fell somewhat, from 76.4% to 75.0% to 71.3% of plaintiffs' appeals during the 1980–86, 1986–89, and 1990–94 periods, respectively. Affirmances of trial court denials fell more dramatically, from 47.1% to 30.6% to 19.4% in the same periods. Interestingly, on defendants' appeals, appellate courts were more likely to dismiss entirely, rather than reverse and remand, in the 1990–94 period (71% dismissed, 6.5% remanded) than in the 1986–89 period (36.1% dismissed and 27.8% remanded).

When characterized on the bottom line of the frequency with which defendant “prevailed” on appeal, the results pre- and post-*Liberty Lobby* were nearly identical, with defendants prevailing in 72.3% of appeals during 1980–86, up slightly to 72.6% of appeals during 1986–94. *See* Table 11C.

2. Public Versus Private Figure — Appellate Results (Table 12)

In contrast to trial court results, public versus private figure status was highly correlated to the results of appeals of summary judgment motions. In 1986–94, defendants fared significantly better on appeal in cases involving public as opposed to private figure plaintiffs. Trial court grants of summary judgment were affirmed in 80.0% of appeals involving public figure plaintiffs (82.1% affirmance in 1986–89, down somewhat to 78.3% affirmance in 1990–94), compared with only 60.7% of appeals involving private figures (50.0% affirmance in 1986–89, up to 66.7% affirmance in 1990–94). *See* Table 12A.

Even more strikingly, trial court denials of summary judgment were affirmed in only 16.0% of appeals involving public figure plaintiffs during the post-*Liberty Lobby* period (27.3% in 1986–89 and only 9.1% in 1990–94), compared with a 52.9% affirmance rate for appeals involving private figures (80.0% during 1986–89 and 41.7% in 1990–94). *See* Table 12B.

Combining the results in defendants' and plaintiff's appeals, defendants prevailed in 78.7% and plaintiffs in only 12.7% of all summary judgment appeals involving public figure plaintiffs during 1986–94. By contrast, in summary judgment appeals involving private figures during this same period, defendants prevailed in only 54.7% and plaintiffs prevailed in 32.0% of appeals. *See* Table 12C.

3. State Versus Federal Court — Appellate Results (Table 13)

Defendants fared slightly better on plaintiffs' appeals in state than in federal court over the entire post-*Liberty Lobby* period, with trial court grants affirmed in 73.2% of appeals pursued by plaintiffs in state court and 72.9% of their appeals in federal court. *See* Table 13A. During 1986–89,

the respective grant affirmance rates were 75.4% in state and 73.5% in federal court. However, in the most recent period, 1990–94, defendants fared slightly better on plaintiffs' appeals in federal court, with a 72.2% success rate, compared with a 71.0% success rate in state court. Moreover, because defendants were more likely to obtain partial affirmances of summary judgment in federal than state court (11.4% versus 6.9% during 1986–94), plaintiffs were successful in completely reversing defendants' grant in 19.9% of appeals in state courts versus only 15.7% of appeals in federal court.

Because of the limitation on interlocutory appeals in federal courts, data are available on defendants' appeals only in those states in which interlocutory appeals are permitted. During the *post-Liberty Lobby* period, trial court denials of summary judgment in state court were more than twice as likely to be reversed (52.2%) as affirmed (25.4%). The affirmance rate on trial court denials fell during the two periods in the current study (from 30.6% in 1986–89 to 19.4% in 1990–94) while the reversal rate nearly doubled (from 36.1% in 1986–90 to 71.0% in 1990–94). See Table 13B.

Combining the results of appeals by either party, defendants fared slightly better in federal than state court during the entire *post-Liberty Lobby* period, prevailing in 72.9% of summary judgment appeals in federal court and 72.5% of appeals in state court. See Table 13C. Because of the greater number of partial decisions in federal court, moreover, plaintiffs fared significantly worse in federal court, fully deflecting defendants' motions for summary judgment in only 15.7% of appeals, versus 21.1% of appeals in state court.

4. Circuit-by-Circuit — Appellate Results (Table 14)

Circuit-by-circuit data are presented for the 1986–94 period.¹¹ Even aggregating the data in this fashion, only the ninth circuit has more than eight appeals identified in this period, however, so that it is difficult to draw broad conclusions from these data.

In the Ninth Circuit, 70.6% of trial court grants of summary judgment were upheld on plaintiffs' appeals during the *post-Liberty Lobby* period (12 of 17 decisions). In the Fifth and D.C. Circuits, both of which reported eight decisions in 1986–94, the affirmance rates were 87.5% and 75.0%, respectively. The Seventh Circuit was the most hospitable to defendants during the new study period, affirming all five trial court grants of summary judgment appealed during 1986–94. By contrast, the Third and Sixth Circuits were the least generous to defendants during this period, affirming trial court grants in 57.1% (four of seven) and 66.7% (four of six) appeals.

¹¹The 1986–89 and 1990–94 periods were aggregated because the data were sparse in some of the individual circuits. Data on the individual circuits were also not available for the earlier study periods.

5. State-by-State — Appellate Results (Table 15)

In the post-*Liberty Lobby* period, the states in which trial courts appeared¹² to be most favorable to media defendants, *see* Table 10, were least favorable at the appellate level. Thus, trial court grants of summary judgment were upheld in only 57.1%, 58.3%, and 60% of the appeals in Texas, Florida, and Michigan, respectively, during 1986–94. *See* Table 15A.

Conversely, New York, in which summary judgment was granted at the trial court level in only 65.6% of cases not only upheld those grants in 90% of appellate decisions but reversed trial court denials of summary judgment in nearly three-fourths of defendants' appeals, dismissing outright in 66.7% and remanding in 5.6% of these cases. *Compare* Tables 15A and 15B. And in California, in which summary judgment was granted in only 69.6% of cases at the trial court level, more than three-fourths of trial court denials were reversed on appeal (55.6% dismissed and 22.2% remanded, with only 22.2% of trial court denials upheld). *See* Table 15B.

E. ISSUES CONSIDERED ON MOTIONS FOR SUMMARY JUDGMENT (TABLE 16)

In the new study all significant substantive issues considered in the course of disposing of each summary judgment motion were identified, and the results of those issues are recorded in Table 16.¹³ Because multiple issues are often presented in the course of considering summary judgment motions, the number of issues identified in Table 16 is greater than the number of cases studied. Similarly, success on an issue is not necessarily the equivalent of success on the motion; some favorable rulings on particular issues do not necessarily result in a grant, or a complete grant, of summary judgment. For example, the court might hold that the plaintiff is a public figure but then, for other reasons, may not grant summary judgment on the issue of actual malice.

Easily the most frequently litigated issue on motions for summary judgment in defamation and related suits has been that of actual malice, an issue presented in 163 cases covered by the 1980–86 LDRC studies and 223 decisions in the current study. During the 1980–86 period, defendants prevailed on the actual malice issue in 76.1% of cases. Following the decision in *Liberty Lobby*, however, defendants' success rate on this issue has improved to 81.6%. This is presumably a function of *Liberty Lobby*'s holding, at least as to federal courts, that actual malice must be found by clear and convincing evidence at the summary judgment stage.¹⁴

¹²As noted previously, however, *see supra*, Section III.C.5 and note 9, the success rates at the trial courts in some of these states was overstated due to an inability to fully track denials of summary judgment.

¹³In its previous studies, LDRC undertook to track only those issues characterized as “dispositive” — i.e., those whose resolution directly affected the outcome of the motion. Because this characterization was often quite subjective, and because this approach tended to preclude the tracking of other significant issues, the new study was modified as described.

¹⁴*See infra*, section III.F.1, for a discussion of the relationship between the manner of the court's citation of *Liberty Lobby* and the outcome of the motion for summary judgment.

Defendants were also more successful in the post-*Liberty Lobby* period on the related, threshold issue of whether plaintiff was a public figure, prevailing in 79.6% of decisions in 1986-94, versus only 50.0% of cases in 1980-86.

With regard to summary judgment on other fault issues, if further proof is needed that *Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974), has had the effect of easing the burdens of private figure defamation plaintiffs, this can be found in the results of motions for summary judgment on the issue of "negligence" — the fault standard adopted in most states pursuant to *Gertz*. While defendants' success on the negligence issue did markedly improve from the 1980-86 to the current study period, it still remains one of the issues on which summary judgment is granted least frequently in media defamation cases. Thus, in 1980-86 summary judgment was granted on the negligence issue in only 26.3% (5 of 19) of cases. In contrast, since 1986 defendants prevailed on the issue of negligence 60.9% of the time. It is notable, however, that the issue of negligence was considered in only 23 decisions during the entire period, 1986-94.

In contrast to this relatively poor showing on the fault standard of negligence, the unique New York state standard of gross irresponsibility under *Gertz* showed greater and more frequent success on motions for summary judgment. Thus, 68.0% of all New York decisions on the issue (17 out of 25) were favorable to the defense. And, if only ultimate results of the issue (after all appeals) are considered, the defense success rate on gross irresponsibility increases to 77.3% (17 out of 22 cases finally decided), with 2 additional partial wins on the issue. In contrast, the effect of appeals of summary judgment motions in negligence cases actually results in a decrease of defense success, with only 52.4% of defendants ultimately prevailing after appeals on that issue.

Another substantive issue that has traditionally been of great significance on motions for summary judgment is the issue of "opinion." Although this issue can often be tested at an earlier motion to dismiss (or demurrer) stage, it also arises with frequency on motions for summary judgment. In the 1980-86 period, defendants prevailed on the opinion issue in 35 of 42 cases (83.3%) in which it was raised at the summary judgment stage. During 1986-94, opinion was the second most frequently determined issue, with rulings favoring defendants in 109 of 137 decisions (79.6%), down modestly from the earlier period.

It is possible to speculate that the explanation for the fall-off of defense success in the current period might be the Supreme Court's decision in *Milkovich v. Lorain Journal Co.*, *supra*, rejecting the concept of an outright constitutional privilege for statements of opinion. In order to test this hypothesis, data on the opinion issue were recomputed to compare the pre- and post-*Milkovich* periods, 1980-90 (pre-*Milkovich*) and 1990-94 (post-*Milkovich*). The results of that comparison establish that *Milkovich* does appear to have had some impact on opinion as an issue. Thus, whereas defendants' success on opinion fell by 3.9% between the 1980-86 and 1986-94 periods, defendants' success fell by 6.4% between the pre- and post-*Milkovich* periods (80.9% and 74.5%, respectively).

Notwithstanding this slippage, the new LDRC study has identified that in the period since *Milkovich* there are now multiple theories by which parties have successfully protected statements

that were all formerly lumped under the general rubric of opinion. A significant number of courts have continued to accord protection to opinion based either on state law or state constitutional law grounds, unaffected by *Milkovich*. Some courts have actually ruled that their state constitutions provide *greater* protection for opinion than the First Amendment as interpreted by the Supreme Court in *Milkovich*. Other state courts have continued to apply the old common law approach to protecting statements of “pure” opinion based on facts set forth in the publication. *Milkovich* also seems to have spurred a greater focus on protection for statements of strong and obvious opinion — e.g., “hyperbole” or “parody.” Eleven of the twelve cases covered by LDRC's new study that considered those issues were decided in the post-*Milkovich* period and all of those were decided favorably to the defendants. Finally, of course, *Milkovich* itself defines another way of looking at and formulating the protection for statements that were formerly characterized as opinions — i.e., by protecting all statements that cannot be proven true or false. Of the nine cases identified in the post-*Milkovich* period that applied the “not provably false” standard, seven (77.8%) granted motions for summary judgment.

For purposes of the new study the issues of “falsity” and “substantial truth” were distinguished from the “not provably false” standard of the *Milkovich* case. Summary judgment was also granted with some frequency on these issues. As to “substantial truth,” in the sense of the true “gist or sting” of the defamation, 80.7% of the motions (71 out of 88) were granted. As to “falsity,” even this notably fact-intensive issue was determined favorably to the defense 79.7% of the time (51 out of 64 decisions) — often as the result of placing the burden proving falsity on the plaintiff as required by *Hepps v. Philadelphia Newspapers*, 475 U.S. 767 (1986).

The only major issue with a lower defendant success rate than negligence during the 1986–94 period was “privilege,” defined for purposes of the new summary judgment study as any common law privilege (qualified or absolute, common law or statutory), but not including fair comment, fair report, or neutral reportage, which were separately tracked. As to such privileges, defendants prevailed only 53.1% of the time these issues were considered during the 1986–94 period. This is down from 83.3% in 1980–86, but the issue of common law privilege was considered in only six cases during that earlier period.

Of the other privileges separately tracked, the issue of fair comment was only considered on 12 summary judgment motions during the entire new study period, with an even split of 6 defendants' wins and 6 losses (50.0%) on the issue. The fair report privilege was considered substantially more frequently and with more success from the defense point of view. Of 91 decisions on the issue, 67 were defense wins (73.6%); this compares to a 95.0% win rate on the fair report issue in the earlier studies, spread over a far smaller number of cases (19 out of 20). Finally, neutral reportage was considered only rarely over the 1986–94 period, with 5 defense wins out of 8 cases (62.5%).

An issue tracked by the new LDRC study that was considered with some frequency on summary judgment is defamatory meaning, on which defendants were successful in 77.4% of cases (89 of 115) in 1986–94, identical to the 77.4% of motions granted (24 of 31) in 1980–86. Another

core element of defamation claims, the “of and concerning” issue, generated much less motion practice, with defendants winning 12 of the 16 decisions recorded on that issue in the new study (75.0%).

Finally, among miscellaneous issues also tracked, defendants won 14 of 19 motions on the issue of republication (73.7% — 14 out of 19 decisions), up from a 33.3% win rate in the handful of cases (1 out of 3) identified in the prior studies. Defense wins on the issue of statute of limitations were down from 100% (9 out of 9 cases) in the prior studies, to 78.3% (18 out of 23 decisions) in the 1986–94 period. Other unsegregated issues (including retraction, the “libel proof” doctrine, libel per se/per quod and the wire service defense) yielded in the aggregate a 71.4% defense success rate (35 out of 49 cases).

F. OTHER CLAIMS OR CAUSES OF ACTION CONSIDERED ON MOTIONS FOR SUMMARY JUDGMENT (TABLE 17)

In addition to substantive issues considered, the new study also tracked the results of motions for summary judgment in media cases presenting claims or causes of actions in addition to defamation. See Table 17. For the most part such causes of action were pleaded as ancillary to the primary claim of defamation; however, in a small number of cases claims for invasion of privacy or related torts were the only causes of action asserted and thus the only issues decided on the motion for summary judgment. Such claims and causes of action claims were tracked if related in one fashion or another to the editorial activities of the media.

Defendants’ success rates on summary judgment motions addressing other claims or causes of actions were even higher than their success rates on defamation-related claims and issues, with an 85.6% grant rate overall.

In the area of traditional invasion of privacy torts, grant rates ranged from more than 85% to more than 95%. Summary judgment was granted as the claims of false light invasion of privacy in the greatest number of motions — 73 out of 82 decisions (89.0%). Publication of private or embarrassing facts claims were next in frequency, with 53 out of 62 motions granted (85.5%). Motions challenging misappropriation (or right of publicity) claims were granted in 36 out of 42 decisions (85.7%) and claims of intrusion in 21 out of 22 decisions (95.5%), with the only denial as to intrusion a partial one.

Intentional infliction of emotional distress claims were also separately charted, with an 85.5% summary judgment grant rate — 53 out of 62 decisions.

A plethora of other miscellaneous causes of action were also tracked, including negligent infliction of emotional distress, negligent publication, product liability, product disparagement and injurious falsehood, unfair competition, fraud, trespass, tortious interference with business relations, promissory estoppel, breach of contract, conversion, conspiracy, Section 1983 violation and Lanham Act claims. Among all of these “others,” an 80.8% defendant success rate on

summary judgment was achieved — 84 out of 104 motions.

G. THE INFLUENCE OF OTHER MORE SUBJECTIVE FACTORS ON THE ULTIMATE DISPOSITION OF MOTIONS FOR SUMMARY JUDGMENT

LDRC undertook to identify, and to the extent possible to quantify, other more subjective factors that might have had a positive or negative effect on the ultimate disposition of motions for summary judgment. To this end, cases were coded to make note of such factors as the court's overall attitude toward the desirability of summary judgment in defamation actions, the court's reading of *Liberty Lobby*, and the court's view of the role of "independent appellate review" on the appellate disposition of a motion for summary judgment.

1. Summary Judgment Standard Adopted: "Favored" or "Disfavored"

LDRC charted the judicial attitude toward the desirability of summary judgment in the cases studied. Courts were considered to have a "favorable" attitude where they referred to the particular value of summary judgment in protecting First Amendment interests or in preventing the chilling of expression. Conversely, courts were considered to have an "unfavorable" attitude when they referred to summary judgment as a "drastic remedy" or expressed concern about taking cases from the jury.

In cases where favorable language was found, the rate at which summary judgment was granted or affirmed was very significantly higher than the rate as a whole, with trial courts granting summary judgment in 23 of 24 cases (95.8%) and appellate courts affirming grants in 29 of 32 plaintiffs' appeals (90.6%) during the post-*Liberty Lobby* period. By contrast, the trial court grant rate for all cases during the 1986-94 period was 83.0% and the appellate grant affirmance rate was 72.8%.

Correlatively, in the few instances in which courts viewed summary judgment "unfavorably," the trial court granted summary judgment in only one of three cases (33.3%) and appellate courts affirmed grants in only one of six decisions (16.7%), a strikingly lower incidence than the overall grant rate. Indeed, perhaps even more significant is the fact that among the 553 cases studied, only nine courts were found to have expressly employed such unfavorable language. This is in stark contrast to the well-established and often stated reluctance of courts in other kinds of civil cases to deprive plaintiffs of an opportunity for their "day in court" before a jury.

Finally, the ten courts that were considered to have adopted a "neutral" stance on the availability of summary judgment — that is, they cited both the "favorable" and "unfavorable" language of *Liberty Lobby* — ruled in favor of defendants in six cases, in favor of plaintiffs in three cases, and granted partial summary judgment in the remaining case, a rate somewhat lower than the grant rate seen in the remainder of the sample.

2. The Particular Effect of *Liberty Lobby*

Cases citing *Liberty Lobby* were coded as “positive” if they emphasized that the evidentiary burden of clear and convincing evidence must be met at the summary judgment stage. Conversely, they were coded as “negative” if they emphasized the limiting language in *Liberty Lobby*, namely that the Court did not intend to authorize “trial by affidavit,” and that “weighing of evidence and drawing of inferences” remain jury functions.¹⁵

In cases positively citing *Liberty Lobby* the incidence of courts awarding summary judgment was again very significantly higher than in the overall sample. Thus, trial courts granted summary judgment in 63 of 65 motions (96.9%) and appellate courts affirmed grants in 41 of 46 plaintiffs’ appeals (89.1%), a rather striking increase over the 83.0% and 72.8% rates reported for all cases in the 1986–94 period (see Tables 7 and 12, respectively).

Conversely, the overall grant rates were significantly lower in the small number of cases where courts included negative or limiting language from *Liberty Lobby*. In five such cases at the trial court level, summary judgment was granted on only three motions (60%) and at the appellate level grants of summary judgment were affirmed in only three of seven appeals (42.7%) during 1986–94. Again, perhaps even more significant is the fact that so few courts have focused on the limiting language in *Liberty Lobby*, and that the vast majority of courts citing *Liberty Lobby* do so for purposes of emphasizing the clear and convincing evidence proof requirement at the summary judgment stage.

Finally, in only a relatively small number of instances did state courts cite but decline to apply *Liberty Lobby*, reasoning that *Liberty Lobby* was confined to construction of Rule 52(c) of the Federal Rules of Civil Procedure and that a plaintiff’s evidentiary burden on a motion for summary judgment in state court was governed by state procedural law. In these cases, defendants were slightly less successful than in the overall sample, obtaining summary judgment in 66.7% of motions (2 of 3 cases) at the trial court level and in reversing denials of summary judgment in 66.7% of appeals (also 2 of 3 cases).

3. Appellate Review Standard Adopted

Because rulings on motions for summary judgment are considered questions of law, appellate courts traditionally review appeals from such orders *de novo*. Unlike appeals from plenary judgments there are no issues of fact in summary judgment appeals. Thus, one might expect that the concept of independent appellate review, originally created by the Supreme Court to advance the

¹⁵Cases were also examined to see whether state courts rejected application of *Liberty Lobby* on the grounds that its application was limited to suits in federal court. Only a small number of such cases were identified, and in those cases — all appellate decisions — the courts affirmed grants of summary judgment in two of three appeals (66.7%) and reversed denials of summary judgment in another two of three appeals (66.7%), rates somewhat lower than the rates reported in all cases.

protection of constitutional rights in the review of plenary judgments entered against defendants in cases involving speech, might be unnecessary in the review of motions for summary judgment.

However, the new LDRC study found that a not insignificant number of courts adverted to “independent appellate review” in appeals from grants or denials of summary judgment, and these cases were noted to evaluate the effect of employing independent appellate review. It was found that in 24 appeals in which courts cited the need to “independently review” the trial court’s findings, the appeal was resolved favorably to defendants in 20 cases. This 83.3% favorable appellate disposition rate is significantly higher than the overall 72.6% favorable disposition rate on all appeals during 1986–94. Thus, although independent appellate review in theory involves no greater or more searching review than the *de novo* review required on appeals from the grant or denial of summary judgment, it may be that in practice use of the terminology signals a sensitivity on the part of those courts to the dangers of insufficiently protecting First Amendment rights at the summary judgment stage.

IV. CONCLUSION

LDRC’s comprehensive new study has documented an impressive and improved record of success for media defendants on motions for summary judgment in defamation actions. The study powerfully confirms that summary judgment is not just “the rule rather than the exception” — it is the name of the game — in media defamation litigation. LDRC’s study also confirms, after the fits and starts encountered from *Hutchinson* through *Liberty Lobby*, that the pattern of defense success on summary judgment, over a period of fifteen years now, is an impressively consistent and stable one that is unlikely to dramatically shift — at least in the absence of some fundamental change of law or practice that does not currently appear to be discernably on the horizon. All of this is as it should be, in a system intended to protect speech while confining recovery for defamation to those relatively infrequent instances where the high standards and heavy burdens of constitutionalized defamation law can be met.

APPENDIX A: SUMMARY JUDGMENT TABLES

Table 1: Ultimate Disposition of Summary Judgment Motions						
	DEFENDANT PREVAILS		PLAINTIFF PREVAILS		PARTIAL	
	No.	%	No.	%	No.	%
1980-1986	290	74.6%	99	25.4%	—	—
1986-1989	202	75.1%	42	15.6%	25	9.3%
1990-1994	224	78.6%	41	14.4%	20	7.0%
1986-1994	426	76.9%	83	15.0%	45	8.1%
1980-1994	716	75.9%	182	19.3%	45	4.8%

Table 2: Public versus Private Figure — Ultimate Disposition						
1980-1986						
	DEFENDANT PREVAILS		PLAINTIFF PREVAILS		PARTIAL DECISION	
	No.	%	No.	%	No.	%
Public figure	56	77.8%	16	22.2%	—	—
Private figure	19	57.6%	14	42.4%	—	—
1986-1990						
	DEFENDANT PREVAILS		PLAINTIFF PREVAILS		PARTIAL DECISION	
	No.	%	No.	%	No.	%
Public figure	68	80.0%	11	12.9%	6	7.1%
Private figure	18	52.9%	10	29.4%	6	17.6%
1990-1994						
	DEFENDANT PREVAILS		PLAINTIFF PREVAILS		PARTIAL DECISION	
	No.	%	No.	%	No.	%
Public figure	100	84.7%	9	7.6%	9	7.6%
Private figure	49	71.0%	14	20.3%	6	5.1%

Table 2: Public versus Private Figure — Ultimate Disposition						
1986-1994						
	DEFENDANT PREVAILS		PLAINTIFF PREVAILS		PARTIAL DECISION	
	No.	%	No.	%	No.	%
Public figure	168	82.8%	20	9.9%	15	7.4%
Private figure	67	65.0%	24	23.3%	12	11.7%
1980-1994						
	DEFENDANT PREVAILS		PLAINTIFF PREVAILS		PARTIAL DECISION	
	No.	%	No.	%		
Public figure	224	81.5%	36	13.1%	15	5.5%
Private figure	86	63.2%	38	27.9%	12	8.8%

Table 3: State versus Federal Court — Ultimate Disposition						
STATE COURT						
	DEFENDANT PREVAILS		PLAINTIFF PREVAILS		PARTIAL DECISION	
	No.	%	No.	%	No.	%
1980-1986	188	74.9%	63	25.1%		
1986-1989	138	75.8%	28	15.4%	16	8.8%
1990-1994	153	79.7%	32	16.7%	7	3.6%
1986-1994	291	77.8%	60	16.0%	23	6.1%
1980-1994	479	76.6%	123	19.7%	23	3.7%
FEDERAL COURT						
	DEFENDANT PREVAILS		PLAINTIFF PREVAILS		PARTIAL DECISION	
	No.	%	No.	%	No.	%
1980-1986	101	73.7%	36	26.3%		
1986-1989	64	73.6%	14	16.1%	9	10.3%
1990-1994	71	76.3%	9	9.7%	13	14.0%
1986-1994	135	75.0%	23	12.8%	22	12.2%
1980-1994	236	74.4%	59	18.6%	22	6.9%

Table 4: Circuit by Circuit — Ultimate Disposition

1986-1994						
	DEFENDANT PREVAILS		PLAINTIFF PREVAILS		PARTIAL DECISION	
	No.	%	No.	%	No.	%
Supreme Court	0	0.0%	2	100.0%	0	0.0%
First	6	100.0%	0	0.0%	0	0.0%
Second	18	81.8%	3	13.6%	1	4.5%
Third	9	64.3%	3	21.4%	2	14.3%
Fourth	11	84.6%	1	7.7%	1	7.7%
Fifth	17	81.0%	3	14.3%	1	4.8%
Sixth	16	80.0%	1	5.0%	3	15.0%
Seventh	12	100.0%	0	0.0%	0	0.0%
Eighth	3	37.5%	2	25.0%	3	37.5%
Ninth	16	61.5%	3	11.5%	7	26.9%
Tenth	2	66.7%	0	0.0%	1	33.3%
Eleventh	13	81.3%	3	18.8%	0	0.0%
D.C.	12	70.6%	2	11.8%	3	17.6%
Total	135	75.0%	23	12.8%	22	12.2%

Table 5: Ultimate Disposition of Defendants' Motion for Summary Judgment — State by State: 1986–1994

	DEFENDANT PREVAILS		PLAINTIFF PREVAILS		PARTIAL DECISION	
	No.	%	No.	%	No.	%
Alabama	5	83.3%	1	16.7%	0	0.0%
Alaska	2	100.0%	0	0.0%	0	0.0%
Arizona	5	71.4%	2	28.6%	0	0.0%
Arkansas	2	100.0%	0	0.0%	0	0.0%
California	19	82.6%	3	13.0%	1	4.3%
Colorado	7	100.0%	0	0.0%	0	0.0%
Connecticut	3	100.0%	0	0.0%	0	0.0%
Delaware	2	66.7%	0	0.0%	1	33.3%
D.C.	2	100.0%	0	0.0%	0	0.0%
Florida	13	72.2%	4	22.2%	1	5.6%
Georgia	15	68.2%	4	18.2%	3	13.6%
Guam	1	100.0%	0	0.0%	0	0.0%
Hawaii	1	100.0%	0	0.0%	0	0.0%
Idaho	0	0.0%	0	0.0%	1	100.0%
Illinois	6	75.0%	2	25.0%	0	0.0%
Indiana	2	66.7%	1	33.3%	0	0.0%
Iowa	3	75.0%	0	0.0%	1	25.0%
Kansas	1	100.0%	0	0.0%	0	0.0%
Kentucky	1	33.3%	2	66.7%	0	0.0%
Louisiana	11	91.7%	1	8.3%	0	0.0%
Maine	0	0.0%	1	100.0%	0	0.0%
Maryland	0	—	0	—	0	—
Massachusetts	11	78.6%	1	7.1%	2	14.3%
Michigan	19	76.0%	4	16.0%	2	8.0%
Minnesota	9	81.8%	2	18.2%	0	0.0%
Mississippi	5	83.3%	1	16.7%	0	0.0%
Missouri	3	75.0%	1	25.0%	0	0.0%
Montana	1	50.0%	1	50.0%	0	0.0%

Table 5: Ultimate Disposition of Defendants' Motion for Summary Judgment — State by State: 1986–1994

	DEFENDANT PREVAILS		PLAINTIFF PREVAILS		PARTIAL DECISION	
	No.	%	No.	%	No.	%
Nebraska	0	—	0	—	0	—
Nevada	0	0.0%	1	100.0%	0	0.0%
New Hampshire	0	—	0	—	0	—
New Jersey	11	84.6%	2	15.4%	0	0.0%
New Mexico	1	33.3%	1	33.3%	1	33.3%
New York	51	81.0%	8	12.7%	4	6.3%
North Carolina	5	100.0%	0	0.0%	0	0.0%
North Dakota	1	100.0%	0	0.0%	0	0.0%
Ohio	23	82.1%	5	17.9%	0	0.0%
Oklahoma	0	—	0	—	0	—
Oregon	0	—	0	—	0	—
Pennsylvania	10	83.3%	1	8.3%	1	8.3%
Puerto Rico	0	—	0	—	0	—
Rhode Island	1	50.0%	0	0.0%	1	50.0%
South Carolina	0	0.0%	1	50.0%	1	50.0%
South Dakota	1	100.0%	0	0.0%	0	0.0%
Tennessee	4	80.0%	1	20.0%	0	0.0%
Texas	15	62.5%	6	25.0%	3	12.5%
Utah	3	75.0%	1	25.0%	0	0.0%
Vermont	1	100.0%	0	0.0%	0	0.0%
Virgin Islands	0	—	0	—	0	—
Virginia	1	100.0%	0	0.0%	0	0.0%
Washington	8	88.9%	1	11.1%	0	0.0%
West Virginia	0	—	0	—	0	—
Wisconsin	4	100.0%	0	0.0%	0	0.0%
Wyoming	2	66.7%	1	33.3%	0	0.0%
Total	291	77.8%	60	16.0%	23	6.1%

Table 6: Trial Court Disposition of Defendants' Motions for Summary Judgment						
	GRANTED		DENIED		PARTIAL	
	No.	%	No.	%	No.	%
1980-1986	151	79.5%	39	20.5%		
1986-1989	235	79.9%	45	15.3%	14	4.8%
1990-1994	222	86.7%	22	8.6%	12	4.7%
1986-1994	457	83.1%	67	13.9%	26	5.7%
1980-1994	607	82.2%	107	14.3%	26	3.5%

Table 7: Public versus Private Figure — Trial Court Disposition						
1986-1990						
	GRANTED IN FULL		DENIED		PARTIALLY GRANTED	
	No.	%	No.	%	No.	%
Public figure	72	83.7%	13	15.1%	1	1.2%
Private figure	25	73.5%	8	23.5%	1	2.9%
1990-1994						
	GRANTED IN FULL		DENIED		PARTIALLY GRANTED	
	No.	%	No.	%	No.	%
Public figure	85	86.7%	8	8.2%	5	5.1%
Private figure	51	85.0%	7	11.7%	2	3.3%
1986-1994						
	GRANTED IN FULL		DENIED		PARTIALLY GRANTED	
	No.	%	No.	%	No.	%
Public figure	157	85.3%	21	11.4%	6	3.3%
Private figure	76	80.9%	15	16.0%	3	3.2%

Table 8: State versus Federal Court — Trial Court Disposition						
STATE COURT						
	GRANTED IN FULL		DENIED		PARTIALLY GRANTED	
	No.	%	No.	%	No.	%
1986–1989	152	77.9%	36	18.5%	7	3.6%
1990–1994	153	88.4%	17	9.8%	3	1.7%
Total	305	82.9%	53	14.4%	10	2.7%
FEDERAL COURT						
	GRANTED IN FULL		DENIED		PARTIALLY GRANTED	
	No.	%	No.	%	No.	%
1986–1989	83	83.8%	9	9.1%	7	7.1%
1990–1994	69	83.1%	5	6.0%	9	10.8%
Total	152	83.5%	14	7.7%	16	8.8%

Table 9: Circuit by Circuit — Trial Court Disposition: 1986–1994						
	GRANTED IN FULL		DENIED		PARTIALLY GRANTED	
	No.	%	No.	%	No.	%
First	6	100.0%	0	0.0%	0	0.0%
Second	19	86.4%	2	9.1%	1	4.5%
Third	12	85.7%	1	7.1%	1	7.1%
Fourth	12	92.3%	0	0.0%	1	7.7%
Fifth	17	85.0%	2	10.0%	1	5.0%
Sixth	19	90.5%	1	4.8%	1	4.8%
Seventh	12	100.0%	0	0.0%	0	0.0%
Eighth	4	50.0%	2	25.0%	2	25.0%
Ninth	22	78.6%	1	3.6%	5	17.9%
Tenth	2	66.7%	0	0.0%	1	33.3%
Eleventh	14	87.5%	2	12.5%	0	0.0%
D.C.	13	68.4%	3	15.8%	3	15.8%
Total	152	83.5%	14	7.7%	16	8.8%

Table 10: State by State — Trial Court Disposition: 1986–1994

	GRANTED IN FULL		DENIED		PARTIALLY GRANTED	
	No.	%	No.	%	No.	%
Alabama	5	83.3%	1	16.7%	0	0.0%
Alaska	1	50.0%	1	50.0%	0	0.0%
Arizona	6	85.7%	0	0.0%	1	14.3%
Arkansas	2	100.0%	0	0.0%	0	0.0%
California	16	69.6%	7	30.4%	0	0.0%
Colorado	7	100.0%	0	0.0%	0	0.0%
Connecticut	3	100.0%	0	0.0%	0	0.0%
Delaware	2	66.7%	0	0.0%	1	33.3%
D.C.	2	100.0%	0	0.0%	0	0.0%
Florida	18	94.7%	0	0.0%	1	5.3%
Georgia	19	90.5%	1	4.8%	1	4.8%
Guam	1	100.0%	0	0.0%	0	0.0%
Hawaii	1	100.0%	0	0.0%	0	0.0%
Idaho	1	100.0%	0	0.0%	0	0.0%
Illinois	7	87.5%	1	12.5%	0	0.0%
Indiana	3	100.0%	0	0.0%	0	0.0%
Iowa	2	50.0%	2	50.0%	0	0.0%
Kansas	1	100.0%	0	0.0%	0	0.0%
Kentucky	3	100.0%	0	0.0%	0	0.0%
Louisiana	8	66.7%	3	25.0%	1	8.3%
Maine	1	100.0%	0	0.0%	0	0.0%
Maryland	0	—	0	—	0	—
Massachusetts	11	78.6%	3	21.4%	0	0.0%
Michigan	21	87.5%	2	8.3%	1	4.2%
Minnesota	10	90.9%	1	9.1%	0	0.0%
Mississippi	6	100.0%	0	0.0%	0	0.0%
Missouri	4	100.0%	0	0.0%	0	0.0%
Montana	2	100.0%	0	0.0%	0	0.0%

Table 10: State by State — Trial Court Disposition: 1986–1994

	GRANTED IN FULL		DENIED		PARTIALLY GRANTED	
Nebraska	0	—	0	—	0	—
Nevada	0	0.0%	1	100.0%	0	0.0%
New Hampshire	0	—	0	—	0	—
New Jersey	9	69.2%	4	30.8%	0	0.0%
New Mexico	2	66.7%	1	33.3%	0	0.0%
New York	40	64.5%	19	30.6%	3	4.8%
North Carolina	5	100.0%	0	0.0%	0	0.0%
North Dakota	1	100.0%	0	0.0%	0	0.0%
Ohio	23	85.2%	4	14.8%	0	0.0%
Oklahoma	0	—	0	—	0	—
Oregon	0	—	0	—	0	—
Pennsylvania	12	100.0%	0	0.0%	0	0.0%
Puerto Rico	0	—	0	—	0	—
Rhode Island	2	100.0%	0	0.0%	0	0.0%
South Carolina	1	50.0%	1	50.0%	0	0.0%
South Dakota	1	100.0%	0	0.0%	0	0.0%
Tennessee	5	100.0%	0	0.0%	0	0.0%
Texas	22	100.0%	0	0.0%	0	0.0%
Utah	3	100.0%	0	0.0%	0	0.0%
Vermont	1	50.0%	0	0.0%	1	50.0%
Virgin Islands	0	—	0	—	0	—
Virginia	1	100.0%	0	0.0%	0	0.0%
Washington	7	87.5%	1	12.5%	0	0.0%
West Virginia	0	—	0	—	0	—
Wisconsin	4	100.0%	0	0.0%	0	0.0%
Wyoming	3	100.0%	0	0.0%	0	0.0%
Total	305	82.9%	53	14.4%	10	2.7%

Table 11A: Appellate Disposition of Plaintiffs' Appeals from Trial Court Grant						
	GRANT AFFIRMED		GRANT REVERSED		GRANT PARTIALLY AFFIRMED	
	N	%	N	%	N	%
1980-1986	120	76.4%	37	23.6%		
1986-1989	117	75.0%	27	17.3%	12	7.7%
1990-1994	114	71.3%	33	20.6%	13	8.1%
1986-1994	231	73.1%	60	19.0%	25	7.9%
1980-1994	351	74.2%	97	20.5%	25	5.3%

Table 11B: Appellate Disposition of Defendants' Appeals from Trial Court Denials								
	AFFIRMED		REVERSED AND DISMISSED		REVERSED AND REMANDED		PARTIALLY AFFIRMED	
	N	%	N	%	N	%	N	%
1980-1986	16	47.1%	17	50.0%	1	2.9%	—	—
1986-1989	11	30.6%	13	36.1%	10	27.8%	2	5.6%
1990-1994	6	19.4%	22	71.0%	2	6.5%	1	3.2%
1986-1994	17	26.6%	35	54.7%	12	18.8%	3	1.0%
1980-1994	33	33.7%	52	53.1%	13	13.3%	3	3.1%

Table 11C: Overall Appellate Disposition — Plaintiffs' and Defendants' Appeals						
	DEFENDANT PREVAILS		PLAINTIFF PREVAILS		PARTIAL RESULTS	
	N	%	N	%	N	%
1980-1986	138	72.3%	53	27.7%	0	0.0%
1986-1989	140	72.9%	38	19.8%	14	7.3%
1990-1994	138	72.3%	39	20.4%	14	7.3%
1986-1994	278	72.6%	77	20.1%	28	7.3%
1980-1994	416	72.5%	130	22.6%	28	4.9%

**Table 12A: Public versus Private Figure —
Plaintiffs' Appeals from Trial Court Grant**

1986–1989						
	AFFIRMED		REVERSED		PARTIALLY AFFIRMED	
	N	%	N	%	N	%
Public	46	82.1%	6	10.7%	4	7.1%
Private	10	50.0%	6	30.0%	4	20.0%
1990–1994						
	AFFIRMED		REVERSED		PARTIALLY AFFIRMED	
	N	%	N	%	N	%
Public	54	78.3%	9	13.0%	6	8.7%
Private	24	66.7%	9	25.0%	3	8.3%
1986–1994						
	AFFIRMED		REVERSED		PARTIALLY AFFIRMED	
	N	%	N	%	N	%
Public	100	80.0%	15	12.0%	10	8.0%
Private	34	60.7%	15	26.8%	7	12.5%

**Table 12B: Public versus Private Figure —
Defendants' Appeals from Trial Court Denial**

1986–1989								
	AFFIRMED		REVERSED AND DISMISSED		REVERSED AND REMANDED		PARTIALLY AFFIRMED	
	N	%	N	%	N	%	N	%
Public	3	27.3%	3	27.3%	5	45.5%	3	27.3%
Private	4	80.0%	0	0.0%	1	20.0%	0	0.0%
1990–1994								
	AFFIRMED		REVERSED AND DISMISSED		REVERSED AND REMANDED		PARTIALLY AFFIRMED	
	N	%	N	%	N	%	N	%
Public	1	9.1%	8	72.7%	2	18.2%	0	0.0%
Private	5	41.7%	6	50.0%	0	0.0%	1	8.3%

Table 12B: Public versus Private Figure — Defendants' Appeals from Trial Court Denial								
1986-1994								
	AFFIRMED		REVERSED AND DISMISSED		REVERSED AND REMANDED		PARTIALLY AFFIRMED	
	N	%	N	%	N	%	N	%
Public	4	16.0%	11	44.0%	7	28.0%	3	12.0%
Private	9	52.9%	6	35.3%	1	5.9%	1	5.9%

Table 12C: Public versus Private Figure — Overall Appellate Disposition of Plaintiffs' and Defendants' Appeals						
1986-1989						
	DEFENDANT PREVAILS		PLAINTIFF PREVAILS		PARTIAL	
	N	%	N	%	N	%
Public	54	78.3%	9	13.0%	6	8.7%
Private	11	40.7%	10	37.0%	6	22.2%
1990-1994						
	DEFENDANT PREVAILS		PLAINTIFF PREVAILS		PARTIAL	
	N	%	N	%	N	%
Public	64	79.0%	10	12.3%	7	8.6%
Private	30	67.7%	14	29.2%	4	8.3%
1986-1994						
	DEFENDANT PREVAILS		PLAINTIFF PREVAILS		PARTIAL	
	N	%	Grant Affirmed		N	%
Public	118	78.7%	19	12.7%	13	8.7%
Private	41	54.7%	24	32.0%	10	13.3%

**Table 13A: State Versus Federal Court —
Plaintiffs' Appeals from Trial Court Grant**

STATE COURT						
	GRANT AFFIRMED		GRANT REVERSED		PARTIALLY AFFIRMED	
	N	%	N	%	N	%
1986-1989	92	75.4%	21	17.2%	9	7.4%
1990-1994	88	71.0%	28	22.6%	8	6.5%
1986-1994	180	73.2%	49	19.9%	17	6.9%
FEDERAL COURT						
	GRANT AFFIRMED		GRANT REVERSED		PARTIALLY AFFIRMED	
	N	%	N	%	N	%
1986-1989	25	73.5%	6	17.6%	3	8.8%
1990-1994	26	72.2%	5	13.9%	5	13.9%
1986-1994	51	72.9%	11	15.7%	8	11.4%

Table 13B: State Court — Defendants' Appeals from Trial Court Denials

STATE COURT								
	DENIAL AFFIRMED		REVERSED AND DISMISSED		REVERSED AND REMANDED		PARTIALLY AFFIRMED	
	N	%	N	%	N	%	N	%
1986-1989	11	30.6%	13	36.1%	10	27.8%	2	5.6%
1990-1994	6	19.4%	22	71.0%	2	6.5%	1	3.2%
1986-1994	17	25.4%	35	52.2%	12	17.9%	3	4.5%

Table 13C: State versus Federal Court — Overall Appellate Disposition of Plaintiffs' and Defendants' Appeals						
STATE COURT						
	DEFENDANT PREVAILS		PLAINTIFF PREVAILS		PARTIAL	
	N	%	N	%	N	%
1986–1989	115	72.8%	32	20.3%	11	7.0%
1990–1994	112	72.3%	34	21.9%	9	5.8%
1986–1994	227	72.5%	66	21.1%	20	6.4%
FEDERAL COURT						
	DEFENDANT PREVAILS		PLAINTIFF PREVAILS		PARTIAL	
	N	%	N	%	N	%
1986–1989	25	73.5%	6	17.6%	3	8.8%
1990–1994	26	72.2%	5	13.9%	5	13.9%
1986–1994	51	72.9%	11	15.7%	8	11.4%

Table 14: Circuit by Circuit — Appellate Disposition of Plaintiffs' Appeals 1986–1994						
	AFFIRMED		REVERSED		PARTIAL	
	No.	%	No.	%	No.	%
Supreme Court	0	0.0%	2	100.0%	0	0.0%
First	1	100.0%	0	0.0%	0	0.0%
Second	5	83.3%	1	16.7%	0	0.0%
Third	4	57.1%	2	28.6%	1	14.3%
Fourth	3	75.0%	1	25.0%	0	0.0%
Fifth	7	87.5%	1	12.5%	0	0.0%
Sixth	4	66.7%	0	0.0%	2	33.3%
Seventh	5	100.0%	0	0.0%	0	0.0%
Eighth	0	0.0%	0	0.0%	1	100.0%
Ninth	12	70.6%	2	11.8%	3	17.6%
Tenth	1	100.0%	0	0.0%	0	0.0%
Eleventh	3	75.0%	1	25.0%	0	0.0%
D.C.	6	75.0%	1	12.5%	1	12.5%
Total	51	72.9%	11	15.7%	8	11.4%

Table 15A: State by State — Appellate Disposition of Plaintiffs' Appeals 1986–1994						
	GRANT AFFIRMED		GRANT REVERSED		PARTIALLY AFFIRMED	
	No.	%	No.	%	No.	%
Alabama	4	100.0%	0	0.0%	0	0.0%
Alaska	1	100.0%	0	0.0%	0	0.0%
Arizona	4	66.7%	1	16.7%	1	16.7%
Arkansas	2	100.0%	0	0.0%	0	0.0%
California	12	70.6%	4	23.5%	1	5.9%
Colorado	5	83.3%	1	16.7%	0	0.0%
Connecticut	0	—	0	—	0	—
Delaware	1	100.0%	0	0.0%	0	0.0%
D.C.	1	100.0%	0	0.0%	0	0.0%
Florida	7	58.3%	4	33.3%	1	8.3%
Georgia	12	70.6%	4	23.5%	1	5.9%
Guam	0	—	0	—	0	—
Hawaii	1	100.0%	0	0.0%	0	0.0%
Idaho	0	0.0%	0	0.0%	1	100.0%
Illinois	6	85.7%	1	14.3%	0	0.0%
Indiana	2	66.7%	1	33.3%	0	0.0%
Iowa	0	—	0	—	0	—
Kansas	1	100.0%	0	0.0%	0	0.0%
Kentucky	0	0.0%	2	100.0%	0	0.0%
Louisiana	7	87.5%	1	12.5%	0	0.0%
Maine	0	0.0%	1	100.0%	0	0.0%
Maryland	0	—	0	—	0	—
Massachusetts	6	66.7%	1	11.1%	2	22.2%
Michigan	9	60.0%	4	26.7%	2	13.3%
Minnesota	5	83.3%	1	16.7%	0	0.0%
Mississippi	5	83.3%	1	16.7%	0	0.0%
Missouri	2	66.7%	1	33.3%	0	0.0%
Montana	1	50.0%	1	50.0%	0	0.0%

Table 15A: State by State — Appellate Disposition of Plaintiffs' Appeals 1986–1994						
	GRANT AFFIRMED		GRANT REVERSED		PARTIALLY AFFIRMED	
	No.	%	No.	%	No.	%
Nebraska	0	—	0	—	0	—
Nevada	0	—	0	—	0	—
New Hampshire	0	—	0	—	0	—
New Jersey	7	87.5%	1	12.5%	0	0.0%
New Mexico	0	0.0%	1	50.0%	1	50.0%
New York	18	90.0%	1	5.0%	1	5.0%
North Carolina	4	80.0%	1	20.0%	0	0.0%
North Dakota	0	—	0	—	0	—
Ohio	17	85.0%	3	15.0%	0	0.0%
Oklahoma	0	—	0	—	0	—
Oregon	0	—	0	—	0	—
Pennsylvania	7	77.8%	1	11.1%	1	11.1%
Puerto Rico	0	—	0	—	0	—
Rhode Island	1	100.0%	0	0.0%	0	0.0%
South Carolina	0	0.0%	1	100.0%	0	0.0%
South Dakota	1	100.0%	0	0.0%	0	0.0%
Tennessee	4	80.0%	1	20.0%	0	0.0%
Texas	12	57.1%	6	28.6%	3	14.3%
Utah	1	33.3%	1	33.3%	1	33.3%
Vermont	0	—	0	—	0	—
Virgin Islands	0	—	0	—	0	—
Virginia	0	—	0	—	0	—
Washington	8	80.0%	2	20.0%	0	0.0%
West Virginia	0	—	0	—	0	—
Wisconsin	4	100.0%	0	0.0%	0	0.0%
Wyoming	2	66.7%	1	33.3%	0	0.0%
Total	180	73.5%	49	20.0%	16	6.5%

Table 15B: State by State — Appellate Disposition of Defendants' Appeals 1986–1994

	DENIAL AFFIRMED		REVERSED AND DISMISSED		REVERSED AND REMANDED		PARTIALLY AFFIRMED	
	No.	%	No.	%	No.	%	No.	%
Alabama	1	100.0%	0	0.0%	0	0.0%	0	0.0%
Alaska	0	0.0%	0	0.0%	1	100.0%	0	0.0%
Arizona	0	0.0%	1	100.0%	0	0.0%	0	0.0%
Arkansas	0	—	0	—	0	—	0	—
California	2	22.2%	5	55.6%	2	22.2%	0	0.0%
Colorado	0	0.0%	1	100.0%	0	0.0%	0	0.0%
Connecticut	0	—	0	—	0	—	0	—
Delaware	0	—	0	—	0	—	0	—
D.C.	0	—	0	—	0	—	0	—
Florida	0	—	0	—	0	—	0	—
Georgia	1	50.0%	1	50.0%	0	0.0%	0	0.0%
Guam	0	—	0	—	0	—	0	—
Hawaii	0	—	0	—	0	—	0	—
Idaho	0	—	0	—	0	—	0	—
Illinois	1	100.0%	0	0.0%	0	0.0%	0	0.0%
Indiana	0	—	0	—	0	—	0	—
Iowa	0	0.0%	0	0.0%	1	50.0%	1	50.0%
Kansas	0	—	0	—	0	—	0	—
Kentucky	0	—	0	—	0	—	0	—
Louisiana	2	40.0%	3	60.0%	0	0.0%	0	0.0%
Maine	0	—	0	—	0	—	0	—
Maryland	0	—	0	—	0	—	0	—
Massachusetts	0	0.0%	3	100.0%	0	0.0%	0	0.0%
Michigan	1	20.0%	2	40.0%	2	40.0%	0	0.0%
Minnesota	0	—	0	—	0	—	0	—
Mississippi	0	—	0	—	0	—	0	—
Missouri	0	—	0	—	0	—	0	—
Montana	0	—	0	—	0	—	0	—

Table 15B: State by State — Appellate Disposition of Defendants' Appeals 1986–1994								
	DENIAL AFFIRMED		REVERSED AND DISMISSED		REVERSED AND REMANDED		PARTIALLY AFFIRMED	
	No.	%	No.	%	No.	%	No.	%
Nebraska	0	—	0	—	0	—	0	—
Nevada	0	—	0	—	0	—	0	—
New Hampshire	0	—	0	—	0	—	0	—
New Jersey	1	20.0%	2	40.0%	2	40.0%	0	0.0%
New Mexico	0	0.0%	0	0.0%	1	100.0%	0	0.0%
New York	4	22.2%	12	66.7%	1	5.6%	1	5.6%
North Carolina	0	0.0%	1	100.0%	0	0.0%	0	0.0%
North Dakota	0	—	0	—	0	—	0	—
Ohio	2	40.0%	2	40.0%	1	20.0%	0	0.0%
Oklahoma	0	—	0	—	0	—	0	—
Oregon	0	—	0	—	0	—	0	—
Pennsylvania	0	—	0	—	0	—	0	—
Puerto Rico	0	—	0	—	0	—	0	—
Rhode Island	0	—	0	—	0	—	0	—
South Carolina	1	50.0%	0	0.0%	0	0.0%	1	50.0%
South Dakota	0	—	0	—	0	—	0	—
Tennessee	0	—	0	—	0	—	0	—
Texas	0	0.0%	1	50.0%	1	50.0%	0	0.0%
Utah	0	—	0	—	0	—	0	—
Vermont	0	—	0	—	0	—	0	—
Virgin Islands	0	—	0	—	0	—	0	—
Virginia	0	—	0	—	0	—	0	—
Washington	1	50.0%	1	50.0%	0	0.0%	0	0.0%
West Virginia	0	—	0	—	0	—	0	—
Wisconsin	0	—	0	—	0	—	0	—
Wyoming	0	—	0	—	0	—	0	—
Total	17	25.4%	35	52.2%	12	17.9%	3	4.5%

Table 16: Issues Considered on Defendants' Summary Judgment Motions										
	1980-1986				1986-1994					
	DEFENDANT PREVAILS		PLAINTIFF PREVAILS		DEFENDANT PREVAILS		PLAINTIFF PREVAILS		PARTIAL	
	No.	%	No.	%	No.	%	No.	%	No.	%
Actual malice	124	76.1%	39	23.9%	182	81.6%	33	14.8%	8	3.6%
Defamatory meaning	24	77.4%	7	22.6%	89	77.4%	20	17.4%	6	5.2%
Fair comment					6	50.0%	6	50.0%	0	0.0%
Fair report	19	95.0%	1	5.0%	67	73.6%	20	22.0%	4	4.4%
Falsity		—		—	51	79.7%	11	17.2%	2	3.1%
Gross irresponsibility	7	63.6%	4	36.4%	17	68.0%	7	28.0%	1	4.0%
Negligence	5	26.3%	14	73.7%	14	60.9%	8	34.8%	1	4.3%
Neutral Reportage	2	100.0%	0	0.0%	5	62.5%	3	37.5%	0	0.0%
Of and concerning					12	75.0%	4	25.0%	0	0.0%
Opinion	35	83.3%	7	16.7%	109	79.6%	23	16.8%	5	3.6%
Other Issues	2	66.7%	1	33.3%	35	71.4%	14	28.6%	0	0.0%
Privilege	5	83.3%	1	16.7%	17	53.1%	15	46.9%	0	0.0%
Public figure	20	50.0%	20	50.0%	82	79.6%	21	20.4%	0	0.0%
Republication	1	33.3%	2	66.7%	14	73.7%	5	26.3%	0	0.0%
Statute of limitations	9	100.0%	0	0.0%	18	78.3%	4	17.4%	1	4.3%
Substantial truth	27	96.4%	1	3.6%	71	80.7%	14	15.9%	3	3.4%
Total	258	73.7%	92	26.3%	797	76.9%	209	20.2%	31	3.0%

Table 17: Other Claims Considered on Defendants' Summary Judgment Motions						
	DEFENDANT PREVAILS		PLAINTIFF PREVAILS		PARTIAL	
	No.	%	No.	%	No.	%
False light	73	89.0%	8	9.8%	1	1.2%
Intrusion	21	95.5%	0	0.0%	1	4.5%
Private facts	53	85.5%	9	14.5%	0	0.0%
Misappropriation	36	85.7%	5	11.9%	1	2.4%
Intentional infliction of emotional distress	53	85.5%	7	11.3%	2	3.2%
Other	84	80.8%	18	17.3%	2	1.9%
Total	320	85.6%	47	12.6%	7	1.9%

APPENDIX B: SUMMARY JUDGMENT CASES REPORTED 1986-1994

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Masson v. New Yorker Magazine</i> , 501 U.S. 496, 18 Media L. Rep. 2241 (1991)	Grant reversed	Pub		AM, Fal	
<i>Milkovich v. Lorain Journal Co.</i> , 497 U.S. 1, 17 Media L. Rep. 2009 (1990)	Grant reversed		IAR	O	
<i>Barden v. HarperCollins Publishers, Inc.</i> , 863 F. Supp. 41, 22 Media L. Rep. 2343 (D.C. Mass. 1994)	Motion granted	NA			
<i>Brown v. Hearst Corp.</i> , 862 F. Supp. 622, 22 Media L. Rep. 2204 (D.C. Mass. 1994)	Motion granted	Priv	IAR	FR, Fal, N, O	IIED, FL, PF, NegMis
<i>Catalfo v. Jensen</i> , 657 F. Supp. 463, 13 Media L. Rep. 2356 (D. N.H. 1987)	Motion granted			DM, O	
<i>Flotech Inc. v. E.I. duPont de Nemours & Co.</i> , 814 F.2d 775, 14 Media L. Rep. 1135 (1st Cir. 1987)	Grant affirmed		LL-P	AM	PD
<i>Girod v. El Dia, Inc.</i> , 668 F. Supp. 82 (D. P.R. 1987)	Motion granted	Pub	LL-P	AM, PubF	
<i>Vasquez Rivera v. El Dia, Inc.</i> , 641 F. Supp. 668 (D. P.R. 1986)	Motion granted	Pub		AM, PubF	
<i>Adler v. Conde Nast Publications</i> , 643 F. Supp. 1558, 13 Media L. Rep. 1409 (S.D.N.Y. 1986)	Partial grant	Pub	LL-B	AM, PubF	
<i>American Airlines Inc. v. Edwards</i> , 20 Media L. Rep. 1869 (S.D.N.Y. 1992)	Motion denied	Pub			
<i>Carto v. Buckley</i> , 649 F. Supp. 502, 13 Media L. Rep. 2073 (S.D.N.Y. 1986)	Motion granted	Pub		O	
<i>Contemporary Mission v. New York Times</i> , 665 F. Supp. 248, 14 Media L. Rep. 1921 (S.D.N.Y. 1987)	Motion granted	Pub	LL-P	AM, DM, Fal, PubF	
<i>Contemporary Mission v. New York Times Co.</i> , 842 F.2d 612, 15 Media L. Rep. 1180 (2d Cir. 1988)	Grant affirmed	Pub	LL-P; IAR	AM	
<i>Cubby v. Compuserve Inc.</i> , 776 F. Supp. 135, 19 Media L. Rep. 1525 (S.D.N.Y. 1991)	Motion granted			Repub	PD, UC

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Davis v. Costa-Gavras</i> , 654 F. Supp. 653, 13 Media L. Rep. 2112 (S.D.N.Y. 1987)	Motion granted	Pub	LL-P	AM	
<i>Easton v. Public Citizen Inc.</i> , 19 Media L. Rep. 1882 (S.D.N.Y. 1991)	Motion granted			FR	
<i>First Equity Corp. of Florida v. Standard & Poor's</i> , 690 F. Supp. 256, 15 Media L. Rep. 1858 (S.D.N.Y. 1988)	Motion granted		LL-P		NegPub
<i>First Equity Corp. of Florida v. Standard & Poor's Corp.</i> , 869 F.2d 175, 16 Media L. Rep. 1282 (2d Cir. 1989)	Grant affirmed				NegPub
<i>Foster v. Turner Broadcasting</i> , 13 Media L. Rep. 2130 (S.D.N.Y. 1986)	Motion granted		LL-P	DM	Sanc
<i>Foster v. Turner Broadcasting</i> , 844 F.2d 955, 15 Media L. Rep. 1225 (2d Cir. 1988)	Grant affirmed		LL-P	DM, FR	
<i>Groden v. Random House</i> , 22 Media L. Rep. 2257 (S.D.N.Y. 1994)	Motion granted	NA	SJ-N		
<i>Jensen v. Times Mirror</i> , 647 F. Supp. 1525, 13 Media L. Rep. 2160 (D. Conn. 1986)	Motion denied	Pub	SJ-N; LL-P	AM, PubF	
<i>Katz v. Gladstone</i> , 673 F. Supp. 76, 14 Media L. Rep. 2030 (D. Conn. 1987)	Motion granted	Priv	LL-P	DM, Fal	
<i>Love v. Kwitny</i> , 13 Media L. Rep. 1869 (S.D.N.Y. 1987)	Motion granted	Priv	LL-P	O, GI **	
<i>Martz v. Incorporated Village of Valley Stream</i> , 22 F.3d 26 (2d Cir. 1994)	Grant affirmed	Priv			
<i>Naantaanbuu v. Abernathy</i> , 816 F. Supp. 218, 21 Media L. Rep. 1353 (S.D.N.Y. 1993)	Motion granted	Priv	LL-P	Fal, PubF	
<i>National Bar Association v. Capital Cities Broadcasting</i> , 14 Media L. Rep. 1917 (W.D.N.Y. 1987)	Motion granted		SJ-F; LL-P		Csp
<i>Preston v. Martin Bregman Productions Inc.</i> , 765 F. Supp. 116, 19 Media L. Rep. 1057 (S.D.N.Y. 1991)	Motion granted	Priv			IIED, Misapp, Conv
<i>Reisman v. Gannett Satellite Information Network Inc.</i> , 18 Media L. Rep. 1236 (S.D.N.Y. 1990)	Motion granted	Priv		FR	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^a	ISSUES CONSIDERED ^c	OTHER CLAIMS ^b
<i>Rogers v. Grimaldi</i> , 695 F. Supp. 112, 15 Media L. Rep. 2097 (S.D.N.Y. 1988)	Motion granted				FL, Misapp
<i>Rogers v. Grimaldi</i> , 875 F.2d 994, 16 Media L. Rep. 1648 (2d Cir. 1989)	Grant affirmed	Pub			FL, Misapp, LA
<i>Titan Sports Inc. v. Comics World Corp.</i> , 630 F. Supp. 1315 (S.D.N.Y. 1988)	Motion granted	Pub	LL-P		Misapp
<i>Titan Sports Inc. v. Comics World Corp.</i> , 870 F.2d 85, 16 Media L. Rep. 1408 (2d Cir. 1989)	Grant reversed				Misapp
<i>Vetere v. Associated Press Inc.</i> , 16 Media L. Rep. 1591 (S.D.N.Y. 1989)	Motion granted		LL-P	SubT	
<i>World Boxing Council v. Cosell</i> , 715 F. Supp. 1259, 16 Media L. Rep. 2119 (S.D.N.Y. 1989)	Motion granted	Pub	LL-P	AM, O	
<i>Bailey v. Dell Publishing Co. Inc.</i> , 790 F. Supp. 101, 20 Media L. Rep. 1257 (W.D. Pa. 1992)	Motion granted	Pub		AM, SoL	
<i>Buckley v. McGraw-Hill Inc.</i> , 782 F. Supp. 1045, 19 Media L. Rep. 1425 (W.D. Pa. 1991)	Motion granted			DM, GI	FL
<i>Buckley v. McGraw-Hill Inc.</i> , 968 F.2d 12, 20 Media L. Rep. 1264 (3d Cir. 1992)	Grant affirmed			DM, GI	
<i>Dunn v. Gannett New York</i> , 833 F.2d 446, 14 Media L. Rep. 1871 (3d Cir. 1987)	Grant affirmed	Pub	LL-P; IAR	AM, O	
<i>Jenkins v. KYW</i> , 829 F.2d 403, 14 Media L. Rep. 1718 (3d Cir. 1987)	Grant affirmed	Pub	LL-P	AM, O	
<i>Maholick v. WNEP TV</i> , 20 Media L. Rep. 1022 (M.D. Pa. 1992)	Motion granted	Pub		DM, FC, Hyp	
<i>McGee v. Times Leader</i> , 18 Media L. Rep. 2173 (M.D. Pa. 1991)	Motion granted	Pub		PubF	
<i>Miele v. William Morrow</i> , 670 F. Supp. 136, 14 Media L. Rep. 1723 (E.D. Pa. 1987), <i>aff'd</i> , 829 F.2d 31	Motion granted	Priv		AM	
<i>Palestri v. Monogram Models Inc.</i> , 875 F.2d 66, 16 Media L. Rep. 1873 (3d Cir. 1989)	Grant reversed			SoL	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^a	ISSUES CONSIDERED ^c	OTHER CLAIMS ^b
<i>Rust Evader Corp. v. Plain Dealer</i> , 21 Media L. Rep. 2189 (W.D. Pa. 1993)	Motion granted	Pub	LL-P	AM, PubF	
<i>Scheetz v. The Morning Call Inc.</i> , 747 F. Supp. 1515, 18 Media L. Rep. 2369 (E.D. Pa. 1990)	Motion granted				PF
<i>Scheetz v. The Morning Call Inc.</i> , 946 F.2d 202, 19 Media L. Rep. 1385 (3d Cir. 1991)	Grant affirmed				PF
<i>Schiavone Construction Co. v. Time</i> , 646 F. Supp. 1511, 13 Media L. Rep. 1664 (D. N.J. 1986)	Motion granted	Pub	SJ-F	LPP, Dam	
<i>Schiavone Construction Co. v. Time Inc.</i> , 847 F.2d 1069, 15 Media L. Rep. 1417 (3d Cir. 1988)	Grant partially affirmed		LL-P	AM, DM, FR, Fal, Repub, LPP	
<i>St. Surin v. Virgin Islands Daily News, Inc.</i> , 21 F.3d 1309, 22 Media L. Rep. 1545 (3d Cir. 1994)	Grant reversed	Pub		AM, Fal, SubT	
<i>Tellado v. Time-Life Books</i> , 643 F. Supp. 904, 13 Media L. Rep. 1401 (D. N.J. 1986)	Partial grant				FL, PF, Misapp
<i>Williams v. First Federal Savings Bank of Puerto Rico</i> , 14 Media L. Rep. 1033 (D. V.I. 1987)	Motion denied	Pub	SJ-N	AM, DM, Fal, O	
<i>Chapin v. Knight-Ridder</i> , 993 F.2d 1087, 21 Media L. Rep. 1449 (4th Cir. 1993)	Grant affirmed	Pub	LL-P	O, Pvg, SubT	
<i>Church of Scientology v. Daniels</i> , 992 F.2d 1329, 21 Media L. Rep. 1426 (4th Cir. 1993)	Grant affirmed	Pub	LL-P	AM	
<i>Crowley v. Fox Broadcasting Co.</i> , 851 F. Supp. 700, 22 Media L. Rep. 1904 (U.S. Md. 1994)	Motion granted	Priv		DM, O	IIED, FL
<i>Furr v. Penthouse Letters Ltd.</i> , 14 Media L. Rep. 1087 (D. S.C. 1987)	Motion granted			DM	
<i>Holden v. Clary</i> , 20 Media L. Rep. 1829 (E.D. Va. 1992)	Motion granted		LL-P	AM, N	
<i>Jones v. J.B. Lippincott Co.</i> , 15 Media L. Rep. 2155 (D.C. Md. 1988)	Motion granted				NegPub, PL
<i>Kelson v. Spin Publications Inc.</i> , 16 Media L. Rep. 1130 (D.C. Md. 1988)	Partial grant		LL-P	N	IIED, FL

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Lee v. The Dong-A Ilbo</i> , 849 F.2d 876, 15 Media L. Rep. 1593 (4th Cir. 1988)	Grant reversed			FR	
<i>National Life Insurance Co. v. Phillips Publishing Inc.</i> , 793 F. Supp. 627, 20 Media L. Rep. 1393 (1992)	Motion granted	Pub	LL-B	AM, PubF	
<i>Peeler v. Spartanburg Herald-Journal</i> , 681 F. Supp. 1144, 15 Media L. Rep. 1155 (D. S.C. 1988)	Motion granted	Pub	SJ-F; LL-P	AM	
<i>Rushford v. New Yorker Magazine</i> , 14 Media L. Rep. 1025 (E.D. Va. 1987)	Motion granted	Pub		AM, DM, FR, O	
<i>Rushford v. New Yorker Magazine</i> , 846 F.2d 249, 15 Media L. Rep. 1437 (4th Cir. 1988)	Grant affirmed			FR	
<i>Schaefer v. Washington Times Inc.</i> , 15 Media L. Rep. 1059 (D. Md. 1988)	Motion granted	Pub	LL-P	AM	
<i>Sunshine Sportswear & Electronics Inc. v. WSOC Television Inc.</i> , 16 Media L. Rep. 2273 (S.D. S.C. 1989)	Motion granted		SJ-F; LL-P	AM, O, Pvg, PubF, SoL	
<i>Anders v. Newsweek Inc.</i> , 727 F. Supp. 1065, 17 Media L. Rep. 1281 (S.D. Miss. 1989)	Motion denied	Pub	SJ-N; LL-B	AM, DM	
<i>Brueggemeyer v. ABC</i> , 684 F. Supp. 452, 15 Media L. Rep. 1449 (N.D. Tex. 1988)	Motion granted		LL-P	AM, Repub	FL
<i>Brueggemeyer v. Krut</i> , 684 F. Supp. 471, 15 Media L. Rep. 1461 (N.D. Tex. 1988)	Motion granted			AM, Repub	FL
<i>Doe v. Doe</i> , 941 F.2d 280, 19 Media L. Rep. 1705, reh'g denied, 949 F.2d 736 (5th Cir. 1991)	Grant reversed			FR	FL
<i>Eimann v. Soldier of Fortune Magazine Inc.</i> , 680 F. Supp. 863, 15 Media L. Rep. 1026 (S.D. Tex. 1988)	Motion denied				NegPub
<i>Estiverne v. Louisiana State Bar Association</i> , 863 F.2d 371, 16 Media L. Rep. 1481 (5th Cir. 1989)	Grant affirmed		IAR	Fal	
<i>Faloona v. Hustler</i> , 799 F.2d 1000, 13 Media L. Rep. 1353 (5th Cir. 1986)	Grant affirmed				FL, PF, Misapp
<i>Holmes v. TV-3 Inc.</i> , 21 Media L. Rep. 1654 (S.D. Miss. 1994)	Motion granted	Priv		Ret, SoL	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Matthews v. Wozencraft</i> , 21 Media L. Rep. 1848 (E.D. Tex. 1993)	Motion granted	Priv	SJ-F; LL-P		Misapp, BK
<i>Matthews v. Wozencraft</i> , 15 F.3d 432, 22 Media L. Rep. 1385 (5th Cir. 1994)	Grant affirmed	Pub			PF, Misapp, BK
<i>Mize v. Harvey Shapiro Enterprises Inc.</i> , 714 F. Supp. 220, 16 Media L. Rep. 2347 (N.D. Miss. 1989)	Motion granted		LL-P	OC, SoL	FL, PF
<i>O'Hair v. Skolrood</i> , 17 Media L. Rep. 1869 (W.D. Tex. 1990)	Motion granted	Pub		AM, O	FL, PF
<i>Pannell v. Journal Publishing Co.</i> , 690 F. Supp. 546, 15 Media L. Rep. 2054 (N.D. Miss. 1988)	Motion granted			Ret	TI, NegMis
<i>Pittman v. Dow Jones</i> , 662 F. Supp. 92, 14 Media L. Rep. 1284 (E.D. La. 1987)	Motion granted				NegPub
<i>Pittman v. Dow Jones</i> , 834 F.2d 1171, 14 Media L. Rep. 2384 (5th Cir. 1987)	Grant affirmed				BK, TC
<i>Pittman v. Gannett River States Publishing Corp.</i> , 836 F. Supp. 377, 21 Media L. Rep. 2105 (S.D. Miss. 1993)	Motion granted	Pub		FR	
<i>Ross v. Midwest Communications Inc.</i> , 870 F.2d 271, 16 Media L. Rep. 1463 (5th Cir. 1989)	Grant affirmed				PF
<i>Russo v. Conde Nast Publications</i> , 806 F. Supp. 603, 20 Media L. Rep. 2113 (E.D. La. 1992)	Motion granted		LL-P	DM, PubF	
<i>Tate v. Bradley</i> , 679 F. Supp. 608 (W.D. La. 1987)	Motion granted	Pub	LL-P	AM, DM, PubF	
<i>Tate v. Bradley</i> , 837 F.2d 206, 15 Media L. Rep. 1802 (5th Cir. 1988)	Grant affirmed			DM	
<i>Trotter v. Jack Anderson Enterprises Inc.</i> , 818 F.2d 431, 14 Media L. Rep. 1180 (5th Cir. 1987)	Grant affirmed	Pub		AM, PubF	
<i>Waring v. William Morrow & Co.</i> , 821 F. Supp. 1188, Media L. Rep. 1381 (S.D. Tex. 1993)	Motion granted	Priv	SJ-F; LL-P	SubT	
<i>Weaver v. Forbes, Inc.</i> , 15 Media L. Rep. 1444 (S.D. Tex. 1988)	Motion granted		LL-P	AM, Repub	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Zerangue v. TSP Newspapers</i> , 814 F.2d 1066, 13 Media L. Rep. 2438 (5th Cir. 1987)	Partial denial partially reversed	Pub	LL-B	AM, PubF, SubT, LPP	
<i>Ashby v. Hustler</i> , 802 F.2d 856, 13 Media L. Rep. 1416 (6th Cir. 1986)	Grant patially affirmed	Priv		N	FL
<i>Brooks v. American Broadcasting Companies Inc.</i> , 737 F. Supp. 431, 17 Media L. Rep. 2041 (N.D. Ohio 1989)	Motion granted			LPP	FL
<i>Brooks v. American Broadcasting Companies Inc.</i> , 932 F.2d 495, 18 Media L. Rep. 2121 (6th Cir. 1991)	Grant partially affirmed			LPP	CivRt
<i>Carrelli v. Ginsberg</i> , 16 Media L. Rep. 1613 (S.D. Ohio 1989)	Motion granted			SubT	
<i>Crall v. Gannett Satellite Information Network Inc.</i> , 20 Media L. Rep. 1987 (S.D. Ohio 1992)	Motion granted			DM	
<i>Falls v. Sporting News Publishing Co.</i> , 714 F. Supp. 843, 16 Media L. Rep. 1609 (E.D. Mich. 1989)	Motion granted			AM, PubF	IF
<i>Falls v. Sporting News Publishing Co.</i> , 899 F.2d 1221, 17 Media L. Rep. 1742 (6th Cir. 1990)	Grant affirmed	Pub		AM, Fal	
<i>Hammond v. Donrey Inc.</i> , 14 Media L. Rep. 1350 (W.D. Ky. 1987)	Motion granted			O	
<i>Hartwig v. National Broadcasting Co.</i> , 863 F. Supp. 558, 22 Media L. Rep. 2535 (N.D. Ohio 1994)	Motion granted	Priv			IIED
<i>Katahn v. The Hearst Corp.</i> , 742 F. Supp. 437, 18 Media L. Rep. 1328 (M.D. Tenn. 1990)	Motion granted			DM	
<i>Lusby v. Cincinnati Monthly Publishing Corp.</i> , 904 F.2d 707, 17 Media L. Rep. 1962 (6th Cir. 1990)	Grant affirmed				IIED, FL, PF, Misapp
<i>Morgan v. Hustler Magazine</i> , 653 F. Supp. 711, 13 Media L. Rep. 1226 (N.D. Ohio 1987)	Motion granted			OC, SoL	IIED
<i>Morris v. Boucher</i> , 15 Media L. Rep. 1089 (E.D. Mich. 1988)	Motion granted				FL, Misapp
<i>Murphy v. Plain Dealer Publishing Co.</i> , 19 Media L. Rep. 1556 (N.D. Ohio 1991)	Motion granted		LL-P		PF

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>O'Brien v. Williamson Daily News</i> , 735 F. Supp. 218, 18 Media L. Rep. 1037 (E.D. Ky. 1990)	Partial grant	Priv		AM, N, OC, Repub	FL
<i>Perk v. Readers' Digest Association Inc.</i> , 17 Media L. Rep. 1115 (N.D. Ohio 1989)	Motion granted	Pub	LL-P	AM, Repub	
<i>Perk v. Readers' Digest Association Inc.</i> , 931 F.2d 408, 18 Media L. Rep. 2098 (6th Cir. 1991)	Grant affirmed	Pub	IAR	AM	
<i>Pesta v. CBS</i> , 653 F. Supp. 350, 13 Media L. Rep. 1828 (E.D. Mich. 1986)	Motion granted		LL-P	AM, O, Pvg, FC	FL
<i>Pesta v. CBS</i> , 686 F. Supp. 166, 15 Media L. Rep. 1798 (E.D. Mich. 1988)	Motion denied	Priv		PubF	
<i>Puckett v. American Broadcasting Companies Inc.</i> , 917 F.2d 1305, 18 Media L. Rep. 1429 (6th Cir. 1990)	Grant affirmed		LL-P	DM, SubT	FL, PF, Misapp
<i>Ratliff v. Farm Progress Companies Inc.</i> , 20 Media L. Rep. 1480 (E.D. Ky. 1992)	Motion granted			SoL	
<i>Schaefer v. Newton</i> , 868 F. Supp. 246, 22 Media L. Rep. 2239 (S.D. Ind. 1994)	Motion granted	Pub	LL-P	AM	
<i>Silva v. MacLaine</i> , 697 F. Supp. 1423, 15 Media L. Rep. 1985 (E.D. Mich. 1988)	Motion granted				CR, UC
<i>Stem v. Gannett Satellite Information Network, Inc.</i> , 866 F. Supp. 355 (W.D. Tenn. 1994)	Motion granted	Pub	LL-P	AM, PR	
<i>Chang v. Michiana Telecasting Corp.</i> , 16 Media L. Rep. 2369 (N.D. Ind. 1989)	Motion granted		LL-P	AM	
<i>Chang v. Michiana Telecasting Corp.</i> , 900 F.2d 1085, 17 Media L. Rep. 1768 (7th Cir. 1990)	Grant affirmed	Priv	LL-P	AM	
<i>Doe v. Alton Telegraph</i> , 805 F. Supp. 30, 20 Media L. Rep. 1802 (C.D. Ill. 1992)	Motion granted				PF
<i>Harris v. Quadracci</i> , 856 F. Supp. 513, 22 Media L. Rep. 2147 (D.C. Wisc. 1994)	Motion granted	Pub	LL-P	AM, DM, N, PubF, SubT	
<i>Haynes v. Alfred A. Knopf Inc.</i> , 21 Media L. Rep. 1314 (N.D. Ill. 1993)	Motion granted	Priv		SubT	FL, PF

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Haynes v. Alfred A. Knopf Inc.</i> , 8 F.3d 1222, 21 Media L. Rep. 1314 (7th Cir. 1993)	Grant affirmed	Priv		O	FL, PF
<i>HVAC Systems v. Dun and Bradstreet</i> , 15 Media L. Rep. 1410 (N.D. Ill. 1988)	Motion granted		LL-P	Dam	
<i>Kirk v. CBS</i> , 14 Media L. Rep. 1263 (N.D. Ill. 1987)	Motion granted			O, Pvg, SubT	
<i>Modern Product v. Schwartz</i> , 734 F. Supp. 362, 17 Media L. Rep. 1813 (E.D. Wisc. 1990)	Motion granted	Pub		AM, DM	
<i>Paine v. Time Inc.</i> , 21 Media L. Rep. 2191 (S.D. Ill. 1993)	Motion granted			SoL	
<i>Robinson v. U.S. News & World Report Inc.</i> , 16 Media L. Rep. 1695 (D.C. Ill. 1989)	Motion granted			SubT	
<i>Saenz v. Playboy Enterprises</i> , 653 F. Supp. 552, 13 Media L. Rep. 1977 (N.D. Ill. 1987)	Motion granted	Pub	LL-P	AM, O	
<i>Saenz v. Playboy Enterprises</i> , 841 F.2d 1309, 15 Media L. Rep. 1043 (7th Cir. 1988)	Grant affirmed	Pub	LL-P	AM	
<i>Underwager v. Salter</i> , 22 F.3d 730, 22 Media L. Rep. 1852 (7th Cir. 1994)	Grant affirmed	Pub		AM	
<i>Vachet v. Central Newspapers</i> , 816 F.2d 313, 13 Media L. Rep. 2337 (7th Cir. 1987)	Grant affirmed	Priv		SubT	
<i>Conroy v. Kilzer</i> , 789 F. Supp. 1457 (D. Minn. 1992)	Motion granted	Pub		DM, FR, LBI	IIED
<i>Mitchell v. Globe International Publishing Inc.</i> , 773 F. Supp. 1235, 19 Media L. Rep. 1405 (W.D. Ark. 1991)	Motion denied	Priv	SJ-D	O	
<i>Norwood v. Soldier of Fortune Magazine</i> , 651 F. Supp. 1397, 13 Media L. Rep. 2025 (W.D. Ark. 1987)	Motion denied		LL-P		NegPub
<i>Pennington v. Meredith Corp.</i> , 763 F. Supp. 415, 18 Media L. Rep. 2202 (W.D. Mo. 1991)	Motion granted	Priv		LPQ	
<i>Price v. Viking Penguin, Inc.</i> , 676 F. Supp. 1501 (D. Minn. 1988)	Motion granted	Pub	LL-P	AM, O, PubF	
<i>Renner v. Donsbach</i> , 749 F. Supp. 987, 18 Media L. Rep. 1930 (W.D. Mo. 1991)	Partial grant	Pub	SJ-N; LL-P	AM, PubF, Hyp	FL, Csp

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Ruzicka v. Conde Nast Publications Inc.</i> , 733 F. Supp. 1289, 17 Media L. Rep. 1617 (D. Minn. 1990)	Motion granted				IIED, FL, PF, BK, Misrep
<i>Ruzicka v. Conde Nast Publications Inc.</i> , 939 F.2d 578, 19 Media L. Rep. 1048 (8th Cir. 1991)	Grant partially affirmed				IIED, PF
<i>W.C.H. of Waverley v. Meredith Corp.</i> , 13 Media L. Rep. 1648 (W.D. Mo. 1986)	Partial grant		SJ-D	Pvg	IIED, FL, Int
<i>Associated Financial Corp. v. Financial Services Information Co.</i> , 16 Media L. Rep. 2465 (C.D. Cal. 1989)	Motion granted		LL-P	AM, DM, O, PubF	
<i>Auvil v. CBS "60 Minutes"</i> , 836 F. Supp. 740, 21 Media L. Rep. 2059 (E.D. Wash. 1993)	Motion granted		LL-P	Fal	
<i>Basilius v. Honolulu Publishing Co. Ltd.</i> , 711 F. Supp. 548, 16 Media L. Rep. 1759 (D. Haw. 1989)	Motion granted		SJ-F; LL-P	SubT	IIED
<i>Baugh v. CBS Inc.</i> , 828 F. Supp. 745, 21 Media L. Rep. 2065 (N.D. Cal. 1994)	Partial grant		SJ-F		IIED, Int, PF, Misapp, NIED, Tres
<i>Buttons v. National Broadcasting Company, Inc.</i> , 858 F. Supp. 1025, 22 Media L. Rep. 1691 (C.D. Cal. 1994)	Motion granted	Pub			
<i>Cleary v. News Corp.</i> , 30 F.3d 1255, 22 Media L. Rep. 2076 (9th Cir. 1994)	Grant affirmed	NA			IIED, Misapp
<i>Crane v. Arizona Republic</i> , 729 F. Supp. 698, 17 Media L. Rep. 1353 (C.D. Cal. 1989)	Motion granted	Pub	SJ-F; LL-P	AM, FR, IH	IIED
<i>Crane v. Arizona Republic</i> , 972 F.2d 1511, 20 Media L. Rep. 1649 (9th Cir. 1992)	Grant partially affirmed		LL-P; IAR	AM, FR, PubF	
<i>Dobronski v. FCC</i> , 17 F.3d 275, 22 Media L. Rep. 1309 (9th Cir. 1994)	Grant affirmed	NA		Pvg	PF
<i>Dorsey v. National Enquirer Inc.</i> , 17 Media L. Rep. 1527 (C.D. Cal. 1990)	Motion granted			FR, IH	
<i>Dorsey v. National Enquirer Inc.</i> , 952 F.2d 250, 19 Media L. Rep. 1673 (9th Cir. 1991)	Grant affirmed	Pub		FR	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Dorsey v. National Enquirer Inc.</i> , 973 F.2d 1431, 20 Media L. Rep. 1745 (9th Cir. 1992)	Grant affirmed	Pub	SJ-F	FR	
<i>Dworkin v. Hustler Magazine</i> , 668 F. Supp. 1408 14 Media L. Rep. 1673 (C.D. Cal. 1987)	Motion granted		LL-P	AM, Fal, O	IIED, FL, PF
<i>Dworkin v. Hustler Magazine</i> , 867 F.2d 1188, 16 Media L. Rep. 1113 (9th Cir. 1989)	Grant affirmed	Pub		AM, O	PF, Misapp, CivRt
<i>Fisher v. Dees</i> , 794 F.2d 432, 13 Media L. Rep. 1167 (9th Cir. 1986)	Grant affirmed			DM	CR, UC
<i>Hickey v. Capital Cities/ABC Inc.</i> , 19 Media L. Rep. 1378 (D.C. Ore. 1991)	Motion granted			SubT	
<i>Hickey v. Capital Cities/ABC Inc.</i> , 792 F. Supp. 1195, 19 Media L. Rep. 1980 (D.C. Ore. 1992)	Motion granted		SJ-F	O, OC, SubT	
<i>Hickey v. Capital Cities/ABC Inc.</i> , 999 F.2d 543, 21 Media L. Rep. 1827 (9th Cir. 1993)	Grant affirmed	Priv		Fal, O, SubT	
<i>Huskey v. Dalles Chronicle</i> , 13 Media L. Rep. 1057 (D. Ore. 1986)	Motion granted				FL, Int, PF, Misapp, CivRt
<i>Masson v. New Yorker Magazine Inc.</i> , 13 Media L. Rep. 1504 (N.D. Cal. 1986)	Partial grant		SJ-F	SubT	
<i>Masson v. New Yorker Magazine Inc.</i> , 686 F. Supp. 1396 (N.D. Cal. 1987)	Motion granted	Pub	LL-P	AM, DM, SubT	
<i>Masson v. New Yorker Magazine Inc.</i> , 881 F.2d 1452, 16 Media L. Rep. 2089 (9th Cir. 1989)	Grant affirmed	Pub	LL-P	AM	
<i>Masson v. New Yorker Magazine Inc.</i> , 960 F.2d 896, 20 Media L. Rep. 1009 (9th Cir. 1992)	Grant partially affirmed	Pub		AM	
<i>McIver v. CBS</i> , 21 Media L. Rep. 1854 (D.C. Ore. 1993)	Partial grant	Pub	LL-P	FR, Repub	
<i>Midler v. Ford Motor Co.</i> , 849 F.2d 460, 15 Media L. Rep. 1620 (9th Cir. 1988)	Grant reversed	Pub			Misapp
<i>New Kids on the Block v. News America Publishing</i> , 745 F. Supp. 1540, 18 Media L. Rep. 1089 (C.D. Cal. 1990)	Motion granted	Pub			Misapp

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>New Kids on the Block v. News America Publishing, Inc.</i> , 971 F.2d 302, 20 Media L. Rep. 1468 (9th Cir. 1992)	Grant affirmed	Pub			Misapp, LA
<i>Newton v. NBC</i> , 13 Media L. Rep. 1224 (D. Nev. 1986)	Motion denied	Pub	LL-B	AM, Fal, O	
<i>Newton v. Thomason</i> , 22 F.3d 1455, 22 Media L. Rep. 1609 (9th Cir. 1994)	Grant affirmed	Pub			Misapp
<i>Norse v. Henry Holt & Co.</i> , 991 F.2d 563, 21 Media L. Rep. 1305 (9th Cir. 1993)	Grant affirmed	Pub			
<i>Partington v. Bugliosi</i> , 825 F. Supp. 906 (D. Haw. 1993)	Partial grant	Pub		AM, DM, O, PubF	FL
<i>Sisemore v. U.S. News & World Report</i> , 662 F. Supp. 1529, 14 Media L. Rep. 1590 (D. Alaska 1987)	Partial grant			AM, DM, Fal, O	IIED, FL, Frd
<i>Unelko Corp. v. Rooney</i> , 16 Media L. Rep. 1737 (D.C. Ariz. 1989)	Motion granted		LL-P	O	PD, TI
<i>Unelko Corp. v. Rooney</i> , 912 F.2d 1049, 17 Media L. Rep. 2317 (9th Cir. 1990)	Grant affirmed			Fal, O, SubT	
<i>Ward v. News Group International Inc.</i> , 733 F. Supp. 83, 17 Media L. Rep. 1583 (C.D. Cal. 1990)	Motion granted	Pub		AM, Repub, SubT, NR	
<i>Weaver v. Oregonian Publishing Co., Inc.</i> , 15 Media L. Rep. 1861 (D. Ore. 1988)	Motion granted	Pub		Pvg, NR	
<i>Weaver v. Oregonian Publishing Co., Inc.</i> , 878 F.2d 388, 16 Media L. Rep. 2167 (9th Cir. 1989)	Grant reversed			Pvg, NR	
<i>White v. Samsung Electronics America</i> , 971 F.2d 1395, 20 Media L. Rep. 1457 (9th Cir. 1992)	Grant partially affirmed	Pub			Misapp, LA
<i>Anderson v. Rocky Mountain News</i> , 15 Media L. Rep. 2058 (10th Cir. 1988)	Grant affirmed	Pub	LL-P	AM, PubF	
<i>Keenum v. Remington Arms Co.</i> , 15 Media L. Rep. 1447 (W.D. Okla. 1988)	Motion granted				NegPub, PL
<i>Metcalf v. KFOR-TV</i> , 828 F. Supp. 1515, 21 Media L. Rep. 1481 (W.D. Okla. 1992)	Partial grant	Priv		Fal, N, O	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^a	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Braun v. Soldier of Fortune Magazine</i> , 749 F. Supp. 1083, 17 Media L. Rep. 2200 (M.D. Ala. 1990)	Motion denied				NegPub
<i>Brown v. Courier Herald Publishing Co. Inc.</i> , 15 Media L. Rep. 2350 (S.D. Ga. 1988)	Motion granted			OC	
<i>Brown v. Courier Herald Publishing Co.</i> , 16 Media L. Rep. 1988 (S.D. Ga. 1988)	Grant affirmed			Wire	
<i>Duban v. Georgia State University</i> , 16 Media L. Rep. 1844 (N.D. Ga. 1988)	Motion granted			O	
<i>Glanville v. Glanville</i> , 21 Media L. Rep. 1407 (N.D. Ga. 1993)	Motion granted	Priv	LL-P	SoL	
<i>Grimsley v. Guccione</i> , 703 F. Supp. 903, 16 Media L. Rep. (M.D. Ala. 1988)	Motion granted			DM, Fal, SubT	IIED, FL, Int, PF, Misapp
<i>Heath v. Playboy Enterprises Inc.</i> , 732 F. Supp. 1145, 17 Media L. Rep. 1603 (S.D. Fla. 1990)	Motion granted			Repub	PF
<i>Jones v. American Broadcasting Co., Inc.</i> , 694 F. Supp. 1542 (M.D. Fla. 1988)	Motion granted			DM, O, SubT	
<i>Lewis v. Storer Communications</i> , 642 F. Supp. 168, 13 Media L. Rep. 1394 (N.D. Ga. 1986)	Motion granted				
<i>Long v. Cooper</i> , 13 Media L. Rep. 2445 (N.D. Ala. 1987)	Motion granted	Pub	LL-P	AM, PubF	
<i>Long v. Cooper</i> , 848 F.2d 1202, 15 Media L. Rep. 1617 (11th Cir. 1988)	Grant reversed			Repub	
<i>Meisler v. Gannett Co. Inc.</i> , 21 Media L. Rep. 1206 (S.D. Ala. 1993)	Motion granted	Pub	LL-P	AM	
<i>Meisler v. Gannett Co. Inc.</i> , 12 F.3d 1026, 22 Media L. Rep. 1214 (11th Cir. 1994)	Grant affirmed	Pub	SJ-N	AM	
<i>Nelson v. Associated Press</i> , 667 F. Supp. 1468, 14 Media L. Rep. 1577 (S.D. Fla. 1987)	Motion granted	Priv		PubF, SubT, Ret, Wire	
<i>Parrish v. Gannett River States Publishing Corp.</i> , 22 Media L. Rep. 1413 (S.D. Miss. 1994)	Motion granted	Pub	LL-P	AM, PubF	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Riley v. Louisiana</i> , 22 Media L. Rep. 1997 (E.D. La. 1994)	Motion granted			DM	PF
<i>Ripps v. Gannett Co. Inc.</i> , 21 Media L. Rep. 1200 (N.D. Ala. 1993)	Motion granted	Pub	LL-N	AM	
<i>Schafer v. Time</i> , 22 Media L. Rep. 2117 (N.D. Ga. 1994)	Motion denied			FR	
<i>Silvester v. ABC</i> , 650 F. Supp. 766, 13 Media L. Rep. 1817 (S.D. Fla. 1986)	Motion granted	Pub	LL-P	AM, DM, PubF	TI
<i>Silvester v. ABC</i> , 839 F.2d 1491, 15 Media L. Rep. 1138 (11th Cir. 1988)	Grant affirmed	Pub	LL-P	AM, PubF	
<i>Buendorf v. National Public Radio Inc.</i> , 822 F. Supp. 6, 21 Media L. Rep. 1842 (D.D.C. 1993)	Motion granted	Pub	LL-P	AM, PubF	
<i>Clyburn v. News World Communications Inc.</i> , 705 F. Supp. 635, 16 Media L. Rep. 1522 (D. D.C. 1989)	Motion granted		LL-P	AM, PubF	IIED
<i>Clyburn v. News World Communications Inc.</i> , 903 F.2d 29, 17 Media L. Rep. 1888 (D.C. Cir. 1990)	Grant affirmed	Pub	LL-P	AM, PubF	
<i>Foretich v. Advance Magazine Publishers Inc.</i> , 765 F. Supp. 1099, 18 Media L. Rep. 2280 (D.D.C. 1991)	Partial grant	Pub		AM, DM, Pvg, PubF	IIED
<i>Foretich v. Glamour</i> , 741 F. Supp. 247, 17 Media L. Rep. 1729 (D. D.C. 1990)	Partial grant			Repub, SoL	
<i>Foretich v. Glamour</i> , 753 F. Supp. 955, 18 Media L. Rep. 1256 (D.D.C. 1990)	Motion granted			Repub, SoL	IIED
<i>Foretich v. Lifetime Cable</i> , 777 F. Supp. 47, 19 Media L. Rep. 1795 (D.D.C. 1991)	Motion denied				IIED, PF
<i>Harper v. Walters</i> , 822 F. Supp. 817, 21 Media L. Rep. 1673 (D.D.C. 1994)	Motion granted	Pub	SJ-N	AM, FR	
<i>In re United Press International</i> , 106 B.R. 323, 16 Media L. Rep. 2401 (D. D.C. 1989)	Motion granted			Fal, Pvg	
<i>Liberty Lobby Inc. v. Anderson</i> , 19 Media L. Rep. 1011 (D.D.C. 1991)	Partial grant	Pub	LL-B	AM	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Liberty Lobby v. Dow Jones & Co., Inc.</i> , 638 F. Supp. 1149, 13 Media L. Rep. 1468 (D. D.C. 1986)	Motion granted		LL-P	AM, Fal, O	
<i>Liberty Lobby v. Dow Jones & Co., Inc.</i> , 838 F.2d 1287, 14 Media L. Rep. 2249 (D.C. Cir. 1988)	Grant affirmed	Pub	LL-P; IAR	AM, SubT	
<i>Liberty Lobby v. Rees</i> , 111 F.R.D. 19, 13 Media L. Rep. 1487 (D. D.C. 1986)	Motion granted	Pub	LL-P	AM, PubF	
<i>Liberty Lobby v. Rees</i> , 852 F.2d 595, 15 Media L. Rep. 1721 (D.C. Cir. 1988)	Grant affirmed	Pub	LL-P; IAR	AM	
<i>McBride v. Merrell Dow & Pharmaceuticals</i> , 800 F.2d 1208, 13 Media L. Rep. 1386 (D.C. Cir. 1986)	Grant partially affirmed	Pub	LL-P	AM, PubF, SubT	
<i>Moldea v. New York Times Company</i> , 793 F. Supp. 335, 19 Media L. Rep. 1931 (D.D.C. 1992)	Motion granted			O	FL
<i>Moldea v. New York Times Company</i> , 15 F.3d 1137, 22 Media L. Rep. 1321 (D.C. Cir. 1994)	Grant reversed	Pub		DM, Fal, SubT	
<i>Moldea v. New York Times Company</i> , 22 F.3d 310, 22 Media L. Rep. 1673 (D.C. Cir. 1994)	Grant affirmed	Pub	SJ-F	DM, SubT	FL
<i>Raboya v. Shrybman & Associates</i> , 777 F. Supp. 58, 19 Media L. Rep. 1668 (D.D.C. 1991)	Motion granted				
<i>Secord v. Cockburn</i> , 747 F. Supp. 779, 18 Media L. Rep. 1209 (D.D.C. 1990)	Motion granted	Pub	SJ-F; LL-P	AM . .	
<i>South Carolina Ports Authority v. Booz-Allen & Hamilton</i> , 676 F. Supp. 346, 14 Media L. Rep. 2132 (D. D.C. 1987)	Motion denied				NegPub
<i>Southern Air Transport Inc. v. American Broadcasting Companies Inc.</i> , 670 F. Supp. 38, 14 Media L. Rep. 1683 (D. D.C. 1987)	Motion denied		SJ-D	SubT	
<i>Southern Air Transport Inc. v. American Broadcasting Companies Inc.</i> , 678 F. Supp. 8, 14 Media L. Rep. 2345 (D. D.C. 1988)	Motion granted			SubT	
<i>Southern Air Transport Inc. v. American Broadcasting Companies Inc.</i> , 877 F.2d 1010, 16 Media L. Rep. 1858 (D.C. Cir. 1989)	Grant affirmed			DM, O	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>White v. Fraternal Order of Police</i> , 707 F. Supp. 579, 17 Media L. Rep. 1552 (D. D.C. 1989)	Motion granted	Pub	SJ-F; LL-P	AM, DM, FR, Fal, O	Int
<i>White v. Fraternal Order of Police</i> , 909 F.2d 512, 17 Media L. Rep. 2137 (D.C. Cir. 1990)	Grant affirmed	Pub		DM, FR, SubT	FL, PF

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Deutch v. Birmingham Post Co.</i> , 603 So.2d 910, 20 Media L. Rep. 1483 (Ala. 1992)	Grant affirmed	Pub	LL-P	AM	
<i>Fitch v. Voit</i> , 21 Media L. Rep. 1045 (Ala. Cir. Ct. 1993)	Motion granted	Priv		Fal	IIED, Int
<i>Fitch v. Voit</i> , 624 So.2d 542, 21 Media L. Rep. 1863 (Ala. 1993)	Grant affirmed	Priv			IIED
<i>McCaig v. Talladega Publishing Co. Inc.</i> , 544 So.2d 875, 16 Media L. Rep. 1946 (Ala. 1989)	Grant affirmed			DM, Fal, SubT	PF, Tres
<i>Moseley v. The Birmingham News</i> , 18 Media L. Rep. 1742 (Ala. Cir. Ct. 1990)	Motion granted	Pub	LL-P	AM, DM, Fal	IIED, FL
<i>White v. Mobile Press Register</i> , 514 So.2d 902, 14 Media L. Rep. 1606 (Ala. 1987)	Grant affirmed	Pub	LL-P	AM, PubF	
<i>WKRQ v. Wiley</i> , 495 So.2d 617, 13 Media L. Rep. 1680 (Ala. 1986)	Denial affirmed	Pub		AM, FR	
<i>Moffatt v. Brown</i> , 751 P.2d 939, 15 Media L. Rep. 1601 (Alaska 1988)	Denial reversed and remanded	Pub	SJ-F; LL-SL	AM, O	
<i>Rybachek v. Sutton</i> , 761 P.2d 1013, 15 Media L. Rep. 2291 (Alaska 1988)	Grant affirmed	Pub		AM, PubF	
<i>Currier v. Western Newspapers Inc.</i> , 18 Media L. Rep. 2359 (Ariz. Ct. App. 1991)	Grant affirmed	Pub		AM, SoL	
<i>Currier v. Western Newspapers Inc.</i> , 175 Ariz. 290, 855 P.2d 1351, 21 Media L. Rep. 1874 (Ariz. 1993)	Grant reversed	Pub	IAR	AM, SubT	
<i>Heusler v. Phoenix Newspapers Inc.</i> , 168 Ariz. 278, 812 P.2d 1096, 15 Media L. Rep. 2198 (Ariz. Super. Ct. 1988)	Motion granted	Pub		AM, O, PubF, SubT	
<i>Heusler v. Phoenix Newspapers Inc.</i> , 18 Media L. Rep. 2305 (Ariz. Ct. App. 1991)	Grant affirmed	Pub	LL-P	AM	
<i>Read v. Phoenix Newspapers, Inc.</i> , 167 Ariz 241, 805 P.2d 1062 (Ariz. Ct. App. 1990)	Grant partially affirmed	Pub	SJ-F	SubT	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Read v. Phoenix Newspapers Inc.</i> , 169 Ariz. 353, 819 P.2d 939, 19 Media L. Rep. 1563 (Ariz. 1991)	Denial reversed		SJ-F	SubT	
<i>Sallomi v. Phoenix Newspapers Inc.</i> , 14 Media L. Rep. 1159 (Ariz. Super. Ct. 1987)	Motion granted			Pvg	
<i>Sallomi v. Phoenix Newspapers Inc.</i> , 160 Ariz. 144, 771 P.2d 469, 16 Media L. Rep. 1529 (Ariz. Ct. App. 1989)	Grant affirmed			FR	FL
<i>Salvione v. Desert Willow Publications</i> , 22 Media L. Rep. 2157 (Ariz. Super. Ct. 1994)	Motion granted	Pub		AM, Pvg	
<i>Scottsdale Publishing Inc. v. Superior Court</i> , 764 P.2d 1131, 159 Ariz. 72, 16 Media L. Rep. 1033 (Ariz. Ct. App. 1988)	Partial grant reversed		SJ-F; LL-P; IAR	AM, PubF	
<i>Turner v. Devlin</i> , 174 Ariz. 201, 848 P.2d 286, 21 Media L. Rep. 1588 (Ariz. Sup. Ct. 1993)	Grant affirmed	Pub		O	
<i>Drew v. KATV Television Inc.</i> , 293 Ark. 555, 739 S.W.2d 680, 14 Media L. Rep. 2078 (Ark. 1987)	Grant affirmed	Pub	LL-P	AM, PubF	
<i>Hollowell v. Arkansas Democrat</i> , 293 Ark. 329, 737 S.W.2d 646, 14 Media L. Rep. 2280 (Ark. 1987)	Grant affirmed	Pub		AM	
<i>Aisenon v. American Broadcasting Co. Inc.</i> , 220 Cal.App.3d 146, 269 Cal.Rptr. 379, 17 Media L. Rep. 1881 (Cal. Ct. App. 1990)	Grant affirmed	Pub	LL-P	AM, O, Hyp	FL, Int
<i>Alim v. Superior Court</i> , 185 Cal.App.3d 144, 229 Cal.Rptr. 599, 13 Media L. Rep. 1528 (Cal. Ct. App. 1986)	Denial reversed	Pub	SJ-F		FL, PF
<i>Brown v. Kelly Broadcasting Co.</i> , 198 Cal.App.3d 1106, 244 Cal.Rptr. 531, 15 Media L. Rep. 1337 (Cal. Ct. App. 1988)	Grant reversed			AM, Pvg	
<i>Brown v. Kelly Broadcasting Co.</i> , 48 Cal.3d 711, 257 Cal.Rptr. 708, 771 P.2d 406, 16 Media L. Rep. 1625 (Cal. Sup. Ct. 1989)	Denial affirmed	Priv	SJ-D	Pvg	
<i>Cox v. Los Angeles Herald-Examiner</i> , 234 Cal.App.3d 1618, 286 Cal.Rptr. 419, 19 Media L. Rep. 1469 (Cal. Ct. App. 1991)	Grant affirmed			FR	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Dora v. Frontline Video Inc.</i> , 15 Cal.Ct.App.4th 536, 18 Cal.Rptr.2d 790, 21 Media L. Rep. 1398 (1993)	Grant affirmed	Priv			Misapp
<i>Edwards v. Hall</i> , 234 Cal.App.3d 886, 285 Cal.Rptr. 810, 19 Media L. Rep. 1969 (Cal. Ct. App. 1991)	Grant reversed	Pub	SJ-F; LL-B	AM, O, FC	
<i>Foreman v. Leshar Communications Co.</i> , 13 Cal.App.4th 903, 16 Cal.Rptr.2d 670, 21 Media L. Rep. 1090 (Cal. Ct. App. 1993)	Grant affirmed	Priv	SJ-F		
<i>Grimes v. Swank Magazine</i> , 15 Media L. Rep. 1231 (Cal. Ct. App. 1988)	Grant affirmed	Pub		OC	IIED, Misapp
<i>Howard v. Oakland Tribune</i> , 199 Cal.App.3d 1124, 245 Cal.Rptr. 449, 15 Media L. Rep. 1832 (Cal. Ct. App. 1988)	Grant affirmed			FR	
<i>James v. San Jose Mercury News</i> , 17 Cal.App.4th 1, 20 Cal.Rptr.2d 890, 21 Media L. Rep. 1624 (1993)	Grant affirmed	Priv		Fal, O, SubT, Hyp	
<i>McClatchy Newspapers v. Fresno Superior Court</i> , 189 Cal.App.3d 961, 234 Cal.Rptr. 702, 13 Media L. Rep. 2281 (Cal. Ct. App. 1987)	Denial reversed			FR, Fal, Pvg	
<i>Miller v. National Broadcasting Co.</i> , 187 Cal.App.3d 1463, 232 Cal.Rptr. 668 (Cal. Ct. App. 1986)	Grant partially affirmed	Priv	SJ-F		IIED, Int, Tres
<i>Miyata v. Bungei Shunju Ltd.</i> , 19 Media L. Rep. 1400 (Cal. Ct. App. 1991)	Grant affirmed			DM, Fal, O	
<i>Mosesian v. McClatchy Newspapers</i> , 205 Cal.App.3d 597, 252 Cal.Rptr. 586, 15 Media L. Rep. 2279 (Cal. Ct. App. 1988)	Grant reversed		LL-P	AM, SubT, PubF	
<i>Mosesian v. McClatchy Newspapers</i> , 233 Cal.App.3d 1685, 285 Cal.Rptr. 430, 19 Media L. Rep. 1815 (Cal. Ct. App. 1991)	Grant affirmed	Pub		PubF	
<i>Pasadena Star-News v. Los Angeles Superior Court</i> , 203 Cal.App.3d 131, 249 Cal.Rptr. 729, 15 Media L. Rep. 1867 (Cal. Ct. App. 1988)	Denial reversed and remanded				PF
<i>Pierce v. San Jose Mercury News</i> , 214 Cal.App.3d 1626, 263 Cal.Rptr. 410, 17 Media L. Rep. 1043 (Cal. App. 1989)	Grant reversed	Pub		FR, O, SubT	IIED

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>San Francisco Bay Guardian Inc. v. San Francisco Superior Ct.</i> , 17 Cal.App.4th 655, 21 Cal.Rptr.2d 464, 21 Media L. Rep. 1791 (Cal. Ct. App. 1993)	Denial reversed	Priv		Fal, Pdy	
<i>Stephens v. Thieriot</i> , 13 Media L. Rep. 2143 (Cal. Ct. App. 1987)	Grant affirmed	Pub	SJ-F; LL-P; IAR	AM	IIED
<i>Stockton Newspapers Inc. v. San Joaquin Superior Court</i> , 206 Cal.App.3d 966, 254 Cal.Rptr. 389, 16 Media L. Rep. 1417 (Cal. Ct. App. 1988)	Denial reversed			FR, Pvg	
<i>Times Mirror Co. v. San Diego Superior Court</i> , 198 Cal.App.3d 1420, 244 Cal.Rptr. 556, 15 Media L. Rep. 1129 (Cal. Ct. App. 1988)	Denial affirmed				IIED, PF
<i>Times Mirror Co. v. San Diego Superior Court</i> , 15 Media L. Rep. 1650 (Cal. Ct. App. 1988)	Denial reversed and remanded			FR	
<i>Twin Coast Newspapers v. Los Angeles County Superior Court</i> , 208 Cal.App.3d 656, 256 Cal.Rptr. 310, 16 Media L. Rep. 1374 (Cal. Ct. App. 1989)	Denial reversed			O	
<i>Wasser v. San Diego Union</i> , 191 Cal.App.3d 1455, 236 Cal.Rptr. 772, 14 Media L. Rep. 1083 (Cal. Ct. App. 1987)	Grant affirmed		SJ-F		IIED, PF, Neg
<i>Webber v. Telegram-Tribune</i> , 194 Cal.App.3d 265, 239 Cal.Rptr. 489, 14 Media L. Rep. 1972 (Cal. Ct. App. 1987)	Grant affirmed	Pub	SJ-F	AM, PubF	IIED, CSP, IntK
<i>Hannon v. Timberline Publishing Inc.</i> , 19 Media L. Rep. 1244 (Colo. Dist. Ct. 1991)	Motion granted	Priv		Hyp	
<i>Lewis v. McGraw-Hill Broadcasting Co. Inc.</i> , 832 P.2d 1118, 20 Media L. Rep. 1240 (Colo. Ct. App. 1992)	Grant affirmed	Pub		AM, PubF	IIED
<i>Living Will Center v. KCNC-TV</i> , 857 P.2d 514, 21 Media L. Rep. 1209 (Colo. Ct. App. 1993)	Grant reversed	Pub	IAR	Fal	
<i>Living Will Center v. KCNC-TV</i> , 872 P.2d 6, 23 Media L. Rep. 1417 (Colo. 1994)	Denial reversed	Pub	IAR	Fal, Hyp	
<i>Pietrafesa v. D.P.I. Inc.</i> , 757 P.2d 1113, 15 Media L. Rep. 1736 (Colo. Ct. App. 1988)	Grant affirmed			LBI	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Sall v. Barber</i> , 782 P.2d 1216, 16 Media L. Rep. 1700 (Colo. Ct. App. 1989)	Grant affirmed			O	
<i>Seible v. Denver Post Corp.</i> , 782 P.2d 805, 16 Media L. Rep. 1444 (Colo. Ct. App. 1989)	Grant affirmed		SJ-F	AM, O	
<i>Sheftel v. Russell</i> , 17 Media L. Rep. 1252 (Colo. Ct. App. 1989)	Grant affirmed	Pub		O	
<i>Dow v. New Haven Independent</i> , 41 Conn. Supp. 31, 549 A.2d 683, 14 Media L. Rep. 1652 (Conn. Super. Ct. 1987)	Motion granted	Pub	SJ-F	DM, O	
<i>Pastet v. Jackson Newspapers Inc.</i> , 17 Media L. Rep. 1776 (Conn. Super. Ct. 1990)	Motion granted			AM, SubT, Ret, LPP	
<i>Weinberg v. Pollock</i> , 19 Media L. Rep. 1442 (Conn. Super. Ct. 1991)	Motion granted			DM	
<i>Ramada Inns v. Dow Jones & Co.</i> , 543 A.2d 313 (Del. Super. Ct. 1987)	Partial grant			SubT	IF
<i>Riley v. Moyed</i> , 13 Media L. Rep. 1420 (Del. Super. Ct. 1986)	Motion granted	Pub		DM, O, SubT	
<i>Riley v. Moyed</i> , 529 A.2d 248, 14 Media L. Rep. 1379 (Del. 1987)	Grant affirmed	Pub		DM, O, SubT	
<i>Stevens v. Independent Newspapers Inc.</i> , 15 Media L. Rep. 1097 (Del. Super. Ct. 1988)	Motion granted			DM, O, SubT	
<i>Braden v. News World Communications Inc.</i> , 18 Media L. Rep. 2209 (D.C. Super. Ct. 1991)	Motion granted	Pub	SJ-F; LL-P	AM, PubF	
<i>Wolf v. Regardie</i> , 553 A.2d 1213, 16 Media L. Rep. 1780 (D.C. Ct. App. 1989)	Grant affirmed		IAR		Int, PF
<i>Burnham v. Palm Beach Newspapers Inc.</i> , 21 Media L. Rep. 1914 (Fla. Cir. Ct. 1993)	Motion granted	Pub	SJ-F	AM, DM, FR, SubT	
<i>Cape Publications Inc. v. Hitchner</i> , 549 So.2d 1374, 16 Media L. Rep. 2337 (Fla. 1989)	Partial denial reversed and remanded	Pub			PF
<i>Clark v. Clark</i> , 21 Media L. Rep. 1650 (Fla. Cir. Ct. 1993)	Motion granted	Pub		DM, FR, Fal	IIED, FL

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Clark v. Clark</i> , 21 Media L. Rep. 2082 (Fla. Cir. Ct. 1993)	Motion granted	Pub		DM, FR, SubT	IIED, FL
<i>Clark v. Fernandina Beach</i> , 22 Media L. Rep. 2013 (Fla. Cir. Ct. 1994)	Motion granted	Pub	LL-P	AM, PubF	
<i>Cook v. Pompano Shopper, Inc.</i> , 582 So.2d 37, 19 Media L. Rep. 1381 (Fla. Dist. Ct. App. 1991)	Grant reversed			Ret	
<i>Cronley v. Pensacola News-Journal Inc.</i> , 561 So.2d 402, 17 Media L. Rep. 2127 (Fla. Dist. Ct. App. 1990)	Grant affirmed	Pub	SJ-F; LL-P	AM, Fal, SubT	
<i>Doe v. American Lawyer Media</i> , 639 So.2d 1021 (Fla. Dist. Ct. App. 1994)	Grant affirmed	Priv			
<i>Florida Medical Service v. New York Post Co. Inc.</i> , 568 So.2d 454, 18 Media L. Rep. 1224 (Fla. Dist. Ct. App. 1990)	Grant reversed	Pub		AM, Fal, O	
<i>Friedgood v. Peters Publishing Co.</i> , 13 Media L. Rep. 1479 (Fla. Cir. Ct. 1986)	Motion granted	Pub		AM, PubF	
<i>Friedgood v. Peters Publishing Co.</i> , 521 So.2d 236, 15 Media L. Rep. 1010 (Fla. Dist. Ct. App. 1988)	Grant affirmed	Pub		AM, PubF	
<i>McIver v. Tallahassee Democrat</i> , 489 So.2d 793, 13 Media L. Rep. 1111 (Fla. Dist. Ct. App. 1986)	Grant affirmed			OC	
<i>Ortega v. Post-Newsweek Stations</i> , 510 So.2d 972, 14 Media L. Rep. 1307 (Fla. Dist. Ct. App. 1987)	Grant affirmed			FR "	
<i>Reeves v. Knight-Ridder</i> , 490 So.2d 1333, 13 Media L. Rep. 1112 (Fla. Dist. Ct. App. 1986)	Grant affirmed	Pub		AM	
<i>Rosko v. Times Publishing Co. Inc.</i> , 19 Media L. Rep. 1766 (Fla. Cir. Ct. 1991)	Motion granted			AM	FL, Int, PF, Misapp
<i>Saro Corp. v. Waterman Broadcasting Corp.</i> , 595 So.2d 87, 19 Media L. Rep. 2031 (Fla. Dist. Ct. App. 1992)	Grant reversed	Priv		Pvg, PubF	
<i>Schwab v. TV 12 of Jacksonville Inc.</i> , 21 Media L. Rep. 1157 (Fla. Ct. App. 1993)	Motion granted	Priv		SoL	FL
<i>Southern Air Transport Inc. v. Post-Newsweek Stations of Florida Inc.</i> , 15 Media L. Rep. 2429 (Fla. Cir. Ct. 1988)	Motion granted			AM, PubF	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^a	ISSUES CONSIDERED ^c	OTHER CLAIMS ^b
<i>Southern Air Transport, Inc. v. Post-Newsweek Stations, Florida, Inc.</i> , 68 So.2d 927 (Fla. Dist. Ct. App. 1990)	Grant partially affirmed	Pub	LL-P	AM, PubF	
<i>Woodward v. Sunbeam TV Corp.</i> , 616 So.2d 501, 21 Media L. Rep. 1286 (Fla. Ct. App. 1993)	Grant affirmed	Priv		FR	PF
<i>Wright v. Florida Power & Light Co.</i> , 16 Media L. Rep. 2232 (Fla. Cir. Ct. 1989)	Motion granted			O, Pvg, FC	
<i>Wright v. Florida Power & Light Co.</i> , 559 So.2d 1228, 17 Media L. Rep. 2040 (Fla. Dist. Ct. App. 1990)	Grant reversed			O, Pvg, FC	
<i>Baker v. Cox Enterprises</i> , 15 Media L. Rep. 2197 (Ga. Super. Ct. 1988)	Motion granted				IIED, FL, PF
<i>Brewer v. Rogers</i> , 211 Ga.App. 343, 439 S.E.2d 77, 22 Media L. Rep. 1180 (Ga. Ct. App. 1993)	Grant affirmed	Pub		AM, PubF	FL
<i>Brewer v. Times-Journal Inc.</i> , 19 Media L. Rep. 2125 (Ga. Super. Ct. 1991)	Motion granted	Pub			FL, Int, PF, Misapp
<i>Cox Enterprises, Inc. v. Thrasher</i> , 264 Ga. 235, 442 S.E. 740, 22 Media L. Rep. 1799 (Ga. 1994)	Grant reversed	Priv	SJ-F	DM, Fal	
<i>Cox Enterprises, Inc. v. Bakin</i> , 206 Ga.App. 813, 426 S.E.2d 651, 22 Media L. Rep. 1898 (Ga. Ct. App. 1994)	Denial reversed			DM, OC, SubT	
<i>Diamond v. American Family Corporation</i> , 186 Ga.App. 681, 368 S.E.2d 350 (Ga. Ct. App. 1988)	Partial grant affirmed	Priv		AM, N	
<i>Eidson v. Berry</i> , 202 Ga.App. 587, 415 S.E.2d 16 (Ga. Ct. App. 1992)	Grant reversed		LL-P	O	
<i>Finkelstein v. Albany Herald Publishing Company, Inc.</i> , 195 Ga.App. 95, 392 S.E.2d 559 (Ga. Ct. App. 1990)	Grant affirmed	Pub		AM, PubF	
<i>Heard v. Neighbor Newspapers, Inc.</i> , 190 Ga.App. 756, 380 S.E.2d 279 (Ga. Ct. App. 1989)	Grant affirmed			AM, FR	
<i>Heard v. Neighbor Newspapers, Inc.</i> , 259 Ga. 458, 383 S.E.2d 553, 16 Media L. Rep. 2270 (Ga. 1989)	Grant reversed			FR	
<i>Heard v. Neighbor Newspapers, Inc.</i> , 193 Ga.App. 719, 389 S.E.2d 267 (Ga. Ct. App. 1989)	Partial denial partially reversed			AM, Dam	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Hudson v. Montcalm Publishing Corp.</i> , 190 Ga.App. 629, 379 S.E.2d 572 (Ga. Ct. App. 1989)	Grant affirmed				FL, Misapp
<i>Lawton v. Georgia Television Co.</i> , 22 Media L. Rep. 2046 (Ga. Super. Ct. 1994)	Motion granted	Pub		FR, Pvg	FL, Int, PF, Misapp
<i>Mead v. True Citizen Inc.</i> , 203 Ga.App. 361, 417 S.E.2d 16, 20 Media L. Rep. 1646 (Ga. Ct. App. 1992)	Grant affirmed			DM	
<i>S & W Seafoods Co. v. Jacor Broadcasting of Atlanta</i> , 17 Media L. Rep. 1105 (Ga. Ct. App. 1989)	Grant affirmed	Pub		Fal, O	IIED, FL
<i>S & W Seafoods Co. v. Jacor Broadcasting of Atlanta</i> , 194 Ga.App. 233, 390 S.E.2d 228, 17 Media L. Rep. 1340 (Ga. Ct. App. 1989)	Grant partially affirmed	Pub		O	IIED, FL, TI, NIED
<i>Saari v. Gillett Communications of Atlanta, Inc.</i> , 195 Ga.App. 451, 393 S.E.2d 736 (Ga. Ct. App. 1990)	Grant affirmed			LoD	
<i>Sanders v. Whatley</i> , 22 Media L. Rep. 2180 (Ga. Super. Ct. 1994)	Motion granted	Pub		AM, FR	IIED, PF
<i>Stalvey v. Atlanta Business Chronicle Inc.</i> , 202 Ga.App. 597, 414 S.E.2d 898, 20 Media L. Rep. 1389 (Ga. Ct. App. 1992)	Grant reversed			DM, FR, SubT	
<i>Stange v. Cox Enterprises</i> , 211 Ga.App. 731, 440 S.E.2d 503 (Ga. Ct. App. 1994)	Grant affirmed	Pub	LL-P	AM	
<i>Southland Pub. Co. v. Brogdon</i> , 179 Ga.App. 726, 347 S.E.2d 694 (Ga. Ct. App. 1986)	Denial affirmed	Priv		DM	
<i>Terrell v. Georgia Television Co.</i> , 215 Ga.App. 150, 449 S.E.2d 897, 23 Media L. Rep. 1092 (Ga. Ct. App. 1994)	Grant affirmed	Pub	LL-P	AM	
<i>Thomason v. Times-Journal Inc.</i> , 190 Ga.App. 601, 379 S.E.2d 551, 16 Media L. Rep. 2200 (Ga. Ct. App. 1989)	Grant affirmed			DM	FL, Mal
<i>Thrasher v. Cox Enterprises, Inc.</i> , 209 Ga.App. 716, 434 S.E.2d 497 (Ga. Ct. App. 1993)	Grant reversed			Fal	
<i>Tucker v. News Publishing Co.</i> , 197 Ga.App. 85, 397 S.E.2d 499, 18 Media L. Rep. 1684 (Ga. Ct. App. 1990)	Grant affirmed				IIED, PF

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Salii v. Guam Publication Inc.</i> , 17 Media L. Rep. 1018 (Paulu Sup. Ct. 1989)	Motion granted	Pub		DM, SubT	
<i>Birmingham v. Fodor's Travel Publications Inc.</i> , 73 Haw. 359, 833 P.2d 70, 20 Media L. Rep. 1521 (Haw. 1992)	Grant affirmed				NegPub
<i>Wiemer v. Rankin</i> , 117 Idaho 566, 790 P.2d 347, 17 Media L. Rep. 1753 (Idaho 1990)	Grant partially affirmed	Priv		AM, FR, Fal, O, Dam	
<i>Davis v. Keystone Printing Service</i> , 155 Ill.App.3d 309, 108 Ill.Dec. 17, 507 N.E.2d 1358, 14 Media L. Rep. 1225 (Ill. Ct. App. 1987)	Grant reversed	Priv	SJ-D; LL-P	AM, O, Pvg, PubF, NR	
<i>Kessler v. Zekman</i> , 250 Ill.App.3d 172, 189 Ill.Dec. 932, 620 N.E.2d 1249, 22 Media L. Rep. 1236 (Ill. Ct. App. 1993)	Grant affirmed	Pub	LL-P	AM, PubF	FL
<i>Martin v. State Journal-Register</i> , 244 Ill.App.3d 955, 612 N.E.2d 1357, 184 Ill.Dec. 197 (Ill. Ct. App. 1993)	Grant affirmed	Pub		AM	
<i>Mattson v. Chronicle Publishing Co.</i> , 156 Ill.App.3d 613, 108 Ill.Dec. 724, 509 N.E.2d 150, 14 Media L. Rep. 1188 (Ill. Ct. App. 1987)	Grant affirmed			FR	
<i>Piersall v. Sportsvision of Chicago</i> , 230 Ill.App.3d 503, 172 Ill.Dec. 40, 595 N.E.2d 103, 20 Media L. Rep. 1223 (Ill. Ct. App. 1992)	Grant affirmed	Pub		AM, O	TI
<i>Rosner v. Field Enterprises, Inc.</i> , 205 Ill.App.3d 769, 151 Ill.Dec. 154, 564 N.E.2d 154 (Ill. Ct. App. 1990)	Denial affirmed	Priv		DM, N, O, Pvg, FC	
<i>Starnes v. Capital Cities Media Inc.</i> , 224 Ill.App.3d 1115, 205 Ill.Dec. 979, 644 N.E.2d 535, 19 Media L. Rep. 2115 (Ill. Ct. App. 1992)	Grant affirmed	Pub		DM, O	
<i>Wade v. Chicago Tribune</i> , 21 Media L. Rep. 1797 (Ill. Ct. App. 1993)	Grant affirmed	Priv	SJ-F		FL
<i>Bandido's Inc. v. Journal Gazette Co. Inc.</i> , 575 N.E.2d 324, 19 Media L. Rep. 1178, reh'g denied, 19 Media L. Rep. 1479 (Ind. Ct. App. 1991)	Grant reversed	Priv	LL-SL	AM	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Chester v. Indianapolis Newspapers Inc.</i> , 553 N.E.2d 137, 17 Media L. Rep. 1903 (Ind. Ct. App. 1990)	Grant affirmed		LL-SL	AM	
<i>Heeb v. Smith</i> , 613 N.E.2d 416, 21 Media L. Rep. 1558 (Ind. Ct. App. 1993)	Grant affirmed	Pub	SJ-F; LL-P	SubT	
<i>Behr v. Meredith Corporation</i> , 414 N.W.2d 339 (Iowa 1987)	Denial reversed and remanded	Priv	LL-P	N, O, SubT	
<i>Jones v. Palmer Communications Inc.</i> , 440 N.W.2d 884, 16 Media L. Rep. 2137 (Iowa 1989)	Denial partially affirmed		SJ-F; LL-P	AM, FR, N, O, Pvg, PubF, SubT, NR, FC	
<i>Populist Party of Iowa v. American Black Hawk Broadcasting Co.</i> , 14 Media L. Rep. 1217 (Iowa Dist. Ct. 1987)	Motion granted	Pub	LL-P	AM, O, PubF	
<i>Wood v. Fort Dodge Messenger</i> , 13 Media L. Rep. 1610 (Iowa Dist. Ct. 1986)	Motion granted		SJ-N		Int, PF, Tres
<i>Ruebke v. Globe Communications</i> , 241 Kan. 595, 738 P.2d 1246, 14 Media L. Rep. 1193 (Kan. 1987)	Grant affirmed	Pub	SJ-D	AM, PubF, SubT	
<i>Livingston v. Kentucky Post</i> , 14 Media L. Rep. 2076 (Ky. Cir. Ct. 1987)	Motion granted				Int, PF
<i>Osborne v. Ottaway Newspapers Inc.</i> , 18 Media L. Rep. 2395 (Ky. Ct. App. 1991)	Grant reversed	Priv		PubF, SoL	
<i>Yancey v. Hamilton</i> , 14 Media L. Rep. 1319 (Ky. Cir. Ct. 1987)	Motion granted			O	
<i>Yancey v. Hamilton</i> , 786 S.W.2d 854, 17 Media L. Rep. 1012 (Ky. 1989)	Grant reversed			DM, O	FL
<i>Bates v. Times-Picayune Publishing Corp.</i> , 527 So.2d 407, 15 Media L. Rep. 2426 (La. Ct. App. 1988)	Grant affirmed	Priv	SJ-F	N	
<i>Bell v. Roddy</i> , 646 So.2d 967 (Ct. App. La. 1994)	Partial denial reversed		SJ-F	DM	
<i>Cortez v. Shirley</i> , 555 So.2d 577 (La. Ct. App. 1989)	Grant affirmed		SJ-F	AM, DM, FR	
<i>Drury v. Feeney</i> , 505 So.2d 111, 14 Media L. Rep. 1604 (La. Ct. App. 1987)	Grant affirmed			SubT	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^a	ISSUES CONSIDERED ^c	OTHER CLAIMS ^b
<i>Haas v. Gill</i> , 527 So.2d 368, 15 Media L. Rep. 2323 (La. Ct. App. 1988)	Denial affirmed		SJ-F	O	
<i>Haas v. Gill</i> , 531 So.2d 457, 16 Media L. Rep. 1171 (La. 1988)	Denial reversed				
<i>Maurice v. Snell</i> , 632 So.2d 393 (La. 1994)	Denial affirmed	Priv	SJ-F		
<i>Navis v. Times Picayune</i> , 631 So.2d 1338 (La. 1994)	Denial reversed	Pub	SJ-N	AM, Fal	
<i>Neuberger, Coerver & Goins v. Times-Picayune Publishing Co.</i> , 18 Media L. Rep. 1655 (La. Dist. Ct. 1990)	Motion granted	Pub	SJ-F	AM	
<i>Neuberger, Coerver & Goins v. Times-Picayune Publishing Co.</i> , 597 So.2d 1179, 20 Media L. Rep. 1123 (La. Ct. App. 1992)	Grant affirmed			AM	
<i>Owens v. National Broadcasting Co.</i> , 508 So.2d 949 (La. Ct. App. 1987)	Grant affirmed	Pub		AM, PubF	
<i>Sassone v. Elder</i> , 601 So.2d 792 (La. Ct. App. 1992)	Grant reversed	Priv	SJ-D	DM, O, PubF, FC	
<i>Sassone v. Elder</i> , 626 So.2d 345, 22 Media L. Rep. 1049 (La. 1993)	Denial reversed		LL-SL	DM	
<i>Spears v. McCormick & Co., Inc.</i> , 520 So.2d 805 (La. Ct. App. 1987)	Grant affirmed	Priv	SJ-F	AM, Fal	FL, Int, PF, Misapp
<i>Young v. Meyer</i> , 14 Media L. Rep. 1253 (La. Dist. Ct. 1987)	Motion granted	Pub	SJ-F	AM, PubF	
<i>Young v. Meyer</i> , 527 So.2d 391, 16 Media L. Rep. 1029 (La. Ct. App. 1988)	Grant affirmed	Pub	SJ-F	AM	
<i>Hudson v. Guy Gannett Broadcasting</i> , 521 A.2d 714, 13 Media L. Rep. 2189 (Me. 1987)	Grant reversed	Priv	LL-N	OC	
<i>Aldoupolis v. Globe Newspaper Company</i> , 398 Mass. 731, 500 N.E.2d 794, 13 Media L. Rep. 1779 (Mass. 1986)	Denial reversed			O	
<i>Flynn v. Associated Press</i> , 401 Mass. 776, 519 N.E.2d 1304, 15 Media L. Rep. 1265 (Mass. 1988)	Grant affirmed			SoL	IIED

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Foley v. Lowell Sun Publishing Co.</i> , 25 Mass.App.Ct. 416, 519 N.E.2d 601, 15 Media L. Rep. 1555 (Mass. Ct. App. 1988)	Grant affirmed			FR	
<i>Foley v. Lowell Sun Publishing Co.</i> , 404 Mass. 9, 533 N.E.2d 196, 16 Media L. Rep. 1302 (Mass. 1989)	Grant affirmed			DM	
<i>Friedman v. Boston Broadcasters</i> , 13 Media L. Rep. 1742 (Mass. Super. Ct. 1986)	Motion granted		SJ-F	FR, Fal, N, O	
<i>Friedman v. Boston Broadcasters, Inc.</i> , 402 Mass. 376, 522 N.E.2d 959 (Mass. 1988)	Grant reversed	Priv		DM, Fal, N, O	
<i>Goodman v. Carr</i> , 20 Media L. Rep. 1418 (Mass. Super. Ct. 1992)	Motion granted	Pub		AM, LPP	
<i>Jones v. Taibbi</i> , 400 Mass. 786, 512 N.E.2d 260, 14 Media L. Rep. 1844 (Mass. 1987)	Grant partially affirmed	Priv		FR, Pvg, PubF, SubT	FL, PF
<i>King v. Globe Newspaper Co.</i> , 400 Mass. 705, 512 N.E.2d 241, 14 Media L. Rep. 1811 (Mass. 1987)	Grant partially affirmed	Pub	SJ-F	AM, DM, O	
<i>Lyons v. Globe Newspaper Co.</i> , 415 Mass. 258, 612 N.E.2d 1158, 21 Media L. Rep. 1977 (Mass. 1993)	Denial reversed	Pub		O	
<i>Lyons v. News Group Boston Inc.</i> , 415 Mass. 274, 612 N.E.2d 1168, 21 Media L. Rep. 1983 (Mass. 1993)	Denial reversed	Pub		O	
<i>McCain v. Globe-Newspaper Co.</i> , 18 Media L. Rep. 2366 (Mass. Super. Ct. 1991)	Motion granted	Pub		AM, PubF	
<i>MiGi Inc. v. Gannett Mass. Broadcasters</i> , 25 Mass.App.Ct. 394, 519 N.E.2d 283, 15 Media L. Rep. 1557 (Mass. Ct. App. 1988)	Grant affirmed			FR	
<i>Milgroom v. News Group Boston Inc.</i> , 412 Mass. 9, 586 N.E.2d 985, 20 Media L. Rep. 1097 (Mass. 1992)	Grant affirmed	Pub		AM, SubT	
<i>Totten v. Time Inc.</i> , 14 Media L. Rep. 1027 (Mass. Super. Ct. 1987)	Motion granted			SoL	
<i>Yakubowicz v. Paramount Pictures Corp.</i> , 404 Mass. 624, 536 N.E.2d 1067, 16 Media L. Rep. 1725 (Mass. 1989)	Grant affirmed				NegPub

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^a	ISSUES CONSIDERED ^c	OTHER CLAIMS ^b
<i>Baker v. Deatrick</i> , 15 Media L. Rep. 2357 (Mich. Cir. Ct. 1988)	Motion granted			FR, Fal	NIED
<i>Blake v. Gannett Co.</i> , 529 So.2d 595, 15 Media L. Rep. 1561 (Miss. 1988)	Grant affirmed			Fal, O, Repub	FL
<i>Bufalino v. Detroit Magazine</i> , 14 Media L. Rep. 1597 (Mich. Ct. App. 1987)	Denial reversed and remanded	Pub		AM, DM, PubF	
<i>Bufalino v. Detroit Magazine Inc.</i> , 433 Mich. 766, 449 N.W.2d 410, 17 Media L. Rep. 1449 (Mich. 1989)	Denial reversed and remanded	Pub		PubF	
<i>Bufalino v. Detroit Magazine Inc.</i> , 18 Media L. Rep. 1491 (Mich. Ct. App. 1990)	Denial reversed	Pub		PubF	
<i>Butcher v. S.E.M. Newspapers Inc.</i> , 190 Mich.App. 309, 475 N.W.2d 380, 18 Media L. Rep. 2047 (Mich. Ct. App. 1991)	Grant affirmed			FR, SubT	
<i>Deitz v. Wometco West Michigan TV</i> , 160 Mich.App. 367, 407 N.W.2d 649, 14 Media L. Rep. 1629 (Mich. Ct. App. 1987)	Grant partially affirmed	Priv		N, PubF	IIED, FL, NIED
<i>Dicks v. Fiedler</i> , 16 Media L. Rep. 2391 (Mich. Ct. App. 1989)	Grant affirmed			AM, FR, Pvg	
<i>Duran v. Detroit News Inc.</i> , 200 Mich.App. 622, 504 N.W.2d 715, 21 Media L. Rep. 1891 (Mich. Ct. App. 1993)	Grant affirmed	Pub		DM, Fal, SubT	IIED, FL, Int, PF, NIED
<i>Edward v. Sachs</i> , 21 Media L. Rep. 1604 (Mich. Cir. Ct. 1993)	Motion granted	Pub		Fal	
<i>Fisher v. Detroit Free Press</i> , 158 Mich.App. 409, 404 N.W.2d 765, 13 Media L. Rep. 2241 (Mich. Ct. App. 1987)	Grant affirmed	Pub	SJ-D	DM, SubT	
<i>Guss v. Times Herald</i> , 14 Media L. Rep. 1703 (Mich. Cir. Ct. 1987)	Motion granted			FR, SubT	
<i>Koniak v. Heritage Newspapers Inc.</i> , 190 Mich.App. 516, 476 N.W.2d 447, 19 Media L. Rep. 1635 (Mich. Ct. App. 1991)	Grant reversed			FR, SubT	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Koniak v. Heritage Newspapers Inc.</i> , 198 Mich.App. 577, 499 N.W.2d 346, 20 Media L. Rep. 2286 (Mich. Ct. App. 1992)	Grant affirmed		IAR	SubT	
<i>Kurz v. Evening News Association</i> , 182 Mich. App. 737, 453 N.W.2d 309, 17 Media L. Rep. 2099 (Mich. Ct. App. 1990)	Grant reversed	Priv		SubT	
<i>Lee v. Flint Area Newspapers Inc.</i> , 17 Media L. Rep. 1052 (Mich. Ct. App. 1989)	Partial denial reversed	Pub		AM, O	
<i>Morganroth v. Whitall</i> , 161 Mich.App. 785, 411 N.W.2d 859, 14 Media L. Rep. 1411 (Mich. Ct. App. 1987)	Grant affirmed			SubT	FL
<i>New Franklin Enterprises v. Sabo</i> , 192 Mich.App. 219, 480 N.W.2d 326, 20 Media L. Rep. 1063 (Mich. Ct. App. 1991)	Grant partially affirmed	Priv		AM, PubF	IF
<i>Novi Ambulance v. Farmington Observer</i> , 15 Media L. Rep. 1805 (Mich. Ct. App. 1987)	Grant reversed	Priv		PubF	
<i>Porter v. Channel 7 of Detroit Inc.</i> , 17 Media L. Rep. 1898 (Mich. Cir. Ct. 1990)	Motion granted	Pub		AM, PubF	FL, PF
<i>Riverview Residential Treatment Facilities Inc. v. WWMT</i> , 16 Media L. Rep. 2305 (Mich. Cir. Ct. 1989)	Motion granted		SJ-F; LL-P	AM, Fal, PubF	FL, NIED, TI
<i>Rouch v. Enquirer</i> , 427 Mich. 157, 398 N.W.2d 245, 13 Media L. Rep. 2201 (Mich. 1986)	Denial affirmed	Priv		FR, Pvg	
<i>Royal Palace Homes Inc. v. Channel 7 of Detroit Inc.</i> , 22 Media L. Rep. 1577 (Mich. Cir. Ct. 1994)	Motion granted	Priv		DM, FR, Fal, O, Pvg	
<i>Spreen v. Smith</i> , 153 Mich.App. 1, 394 N.W.2d 123, 13 Media L. Rep. 1424 (Mich. Ct. App. 1986)	Denial reversed		LL-SL	AM	
<i>Stablein v. Schuster</i> , 183 Mich.App. 477, 455 N.W.2d 315, 17 Media L. Rep. 1614 (Mich. Ct. App. 1990)	Grant affirmed	Pub		FR	
<i>Vroman v. Busse Broadcasting Corp.</i> , 20 Media L. Rep. 1136 (Mich. Ct. App. 1994)	Motion granted			SubT	
<i>Wilson v. Knight-Ridder Newspapers Inc.</i> , 190 Mich.App. 277, 475 N.W.2d 388, 19 Media L. Rep. 1797 (Mich. Ct. App. 1991)	Grant affirmed			SoL	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Winstead v. Sweeney</i> , 205 Mich.App. 664, 517 N.W.2d 874, 23 Media L. Rep. 1563 (Mich. Ct. App. 1994)	Grant reversed	Priv		Pvg	PF
<i>Benigni v. Cowles Media Co.</i> , 22 Media L. Rep. 2120 (Minn. Ct. App. 1994)	Grant affirmed	Priv			
<i>Capan v. Daugherty</i> , 13 Media L. Rep. 1174 (Minn. Dist. Ct. 1986)	Motion granted			O	
<i>Capan v. Daugherty</i> , 402 N.W.2d 561, 13 Media L. Rep. 2195 (Minn. Ct. App. 1987)	Grant affirmed	Pub		O	
<i>Clausnitzer v. Cowles Media Co.</i> , 18 Media L. Rep. 1137 (D.C. Minn. 1990)	Motion granted	Pub	SJ-F	AM	
<i>Cohen v. Cowles Media</i> , 14 Media L. Rep. 1460 (Minn. Dist. Ct. 1987)	Motion denied				BK, Misrep
<i>Connelly v. Northwest Publications Inc.</i> , 448 N.W.2d 901, 17 Media L. Rep. 1204 (Minn. Ct. App. 1989)	Grant affirmed	Pub	LL-P	AM	
<i>Davern v. Midwest Commun.</i> , 1993 WL 527905 (Minn. Ct. App. 1993)	Grant affirmed	Pub	SJ-F; LL-P; IAR	AM, Fal	
<i>Foley v. WCCO Television Inc.</i> , 449 N.W.2d 497, 17 Media L. Rep. 1233 (Minn. Ct. App. 1989)	Grant affirmed	Pub	SJ-F; LL-P; IAR	AM	
<i>Jadwin v. Minneapolis Star</i> , 390 N.W.2d 437, 13 Media L. Rep. 1126 (Minn. Ct. App. 1986)	Grant reversed			DM, FR, Fal, O, SubT	
<i>Kortz v. Midwest Communications Inc.</i> , 20 Media L. Rep. 1860 (Minn. Dist. Ct. 1992)	Motion granted	Priv		AM, Fal, SubT, FC	
<i>Midwest Communications Inc. v. KARE-TV</i> , 16 Media L. Rep. 1980 (Minn. Dist. Ct. 1989)	Motion granted			O	
<i>Patten v. Minneapolis Star Tribune</i> , 21 Media L. Rep. 1385 (Minn. Dist. Ct. 1992)	Motion granted	Priv		Fal, SubT	
<i>Brocato v. Mississippi Publishers</i> , 503 So.2d 241, 13 Media L. Rep. 2080 (Miss. 1987)	Grant affirmed	Pub		FR	
<i>Chatham v. Gulf Publishing</i> , 502 So.2d 647, 13 Media L. Rep. 2099 (Miss. 1987)	Grant affirmed			DM	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Fulton v. Mississippi Publishers Corp.</i> , 498 So.2d 1215, 13 Media L. Rep. 1746 (Miss. 1986)	Grant affirmed	Priv		DM, SubT	
<i>Johnson v. Delta-Democrat Publishing CO.</i> , 531 So.2d 811, 15 Media L. Rep. 2117 (Miss. 1988)	Grant affirmed	Pub		AM, DM, O, OC	
<i>Prescott v. Bay St. Louis Newspapers</i> , 497 So.2d 77, 13 Media L. Rep. 1645 (Miss. 1986)	Grant affirmed	Priv			
<i>Stegall v. WTVW Inc.</i> , 609 So.2d 348, 20 Media L. Rep. 1280 (Miss. 1992)	Grant reversed	Pub		AM	
<i>Carroll v. Corcoran</i> , 21 Media L. Rep. 1479 (Mo. Cir. Ct. 1993)	Motion granted	Priv	SJ-F	Hyp	
<i>Erickson v. Pulitzer Publishing Co.</i> , 797 S.W.2d 853, 18 Media L. Rep. 1446 (Mo. Ct. App. 1990)	Grant affirmed			FR	
<i>Hoeflicker v. Higginsville Advance Inc.</i> , 818 S.W.2d 650, 19 Media L. Rep. 1286 (Mo. Ct. App. 1991)	Grant reversed			FR	
<i>Lami v. Pulitzer Publishing Company</i> , 723 S.W.2d 458, 13 Media L. Rep. 1845 (Mo. Ct. App. 1986)	Grant affirmed	Priv		FR, Fal	
<i>Kurth v. Great Falls Tribune Co.</i> , 246 Mont. 407, 804 P.2d 393, 18 Media L. Rep. 1971 (Mont. 1991)	Grant reversed			PubF	
<i>Lence v. Hagadone Invest. Co.</i> , 853 P.2d 890, 21 Media L. Rep. 1641 (Mont. Sup. Ct. 1993)	Grant affirmed	Priv	SJ-F	Fal, N, SubT	IIED, FL
<i>Vance v. Judas Priest</i> , 16 Media L. Rep. 2241 (Nev. Dist. Ct. 1989)	Motion denied				NegPub
<i>Brayshaw v. Gelber</i> , 232 N.J.Super. 99, 556 A.2d 788, 16 Media L. Rep. 1692 (N.J. Super. Ct. 1989)	Motion granted		SJ-F	FR	
<i>Cappello v. Scott</i> , 274 N.J. Super. 282, 644 A.2d 102 (N.J. Super. 1994)	Denial affirmed	Priv		Pvg	
<i>Costello v. Ocean County Observer</i> , 21 Media L. Rep. 2274 (N.J. App. Div. 1993)	Denial reversed and remanded	Pub	SJ-F; LL-P	AM, FR	
<i>Costello v. Ocean County Observer</i> , 136 N.J. 594, 643 A.2d 1012, 22 Media L. Rep. 2129 (N.J. 1994)	Denial reversed and remanded	Pub	SJ-N; LL-P	AM, DM, FR, PubF	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Dairy Stores v. Sentinel Publishing</i> , 104 N.J. 125, 516 A.2d 220, 13 Media L. Rep. 1594 (N.J. 1986)	Grant affirmed		SJ-N; LL-SL	AM, FR, O, Pvg, FC	
<i>Decker v. Princeton Packet Inc.</i> , 224 N.J.Super. 726, 541 A.2d 292, 15 Media L. Rep. 1775 (N.J. App. Div. 1988)	Grant affirmed			DM	IIED, NIED
<i>Decker v. Princeton Packet Inc.</i> , 116 N.J. 418, 561 A.2d 1122, 16 Media L. Rep. 2194 (N.J. 1989)	Grant affirmed			DM	NIED
<i>Ginsberg v. Savulich</i> , 18 Media L. Rep. 1751 (N.J. App. Div. 1991)	Grant affirmed	Pub	SJ-F; IAR	AM, FR	
<i>Miele v. Rosenblum</i> , 254 N.J.Super. 8, 603 A.2d 43, 20 Media L. Rep. 1667 (N.J. App. Div. 1992)	Denial reversed			DM, N, SoL	FL
<i>Romaine v. Kallinger</i> , 109 N.J. 282, 537 A.2d 284, 15 Media L. Rep. 1209 (N.J. 1988)	Grant affirmed			DM	FL, PF
<i>Salek v. Passaic Collegiate School</i> , 255 N.J.Super. 355, 605 A.2d 276, 21 Media L. Rep. 1196 (N.J. App. Div. 1992)	Grant affirmed			DM	IIED, FL, NegSup
<i>Schwartz v. Worrall Publications Inc.</i> , 258 N.J.Super. 493, 610 A.2d 425, 20 Media L. Rep. 1661 (N.J. App. Div. 1992)	Denial reversed	Pub	SJ-F; LL-P; IAR	AM	
<i>Sisler v. Gannett</i> , 222 N.J.Super. 153, 536 A.2d 299, 14 Media L. Rep. 2266 (N.J. App. Div. 1988)	Grant reversed			LoC	
<i>Turf Lawnmower Repair, Inc. v. Bergen Record Corp.</i> , 269 N.J. Super. 370, 635 A.2d 575, 22 Media L. Rep. 1461 (N.J. Super. Ct. App. Div. 1994)	Grant affirmed	Pub		AM	
<i>Walko v. Kean College of New Jersey</i> , 235 N.J.Super. 139, 561 A.2d 680 (N.J.Super. Ct. 1988)	Motion granted	Pub		O, PubF	IIED, FL, NegSup
<i>Furgason v. Clausen</i> , 109 N.M. 331, 785 P.2d 242, 18 Media L. Rep. 1369 (N.M. Ct. App. 1990)	Grant reversed	Priv	SJ-D	FR, N, PubF	
<i>Mendoza v. Gallup Independent Co.</i> , 15 Media L. Rep. 1017 (Ct. App. N.M. 1988)	Denial reversed and remanded	Pub		O	
<i>Moore v. Sun Publishing Corp.</i> , 118 N.M. 375, 881 P.2d 735, 23 Media L. Rep. 1072 (N.M. Ct. App. 1994)	Grant partially affirmed	Priv		DM, O	FL, PF

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Abernathy & Closther v. Buffalo Broadcasting Co., Inc.</i> , 17 Media L. Rep. 1156 (N.Y. Sup. Ct. 1989)	Motion granted	Pub		AM, FR, Repub	
<i>Abernathy & Closther v. Buffalo Broadcasting Co., Inc.</i> , 176 A.D.2d 300, 574 N.Y.S.2d 568, 19 Media L. Rep. 1414 (N.Y. App. Div. 1991)	Grant affirmed	Pub	IAR	AM	PD
<i>Bazzi v. News Group Publications Inc.</i> , 16 Media L. Rep. 2268 (N.Y. Sup. Ct. 1989)	Motion granted			DM, GI	
<i>Becher v. Troy Publishing Co. Inc.</i> , 183 A.D.2d 230, 589 N.Y.S.2d 644, 20 Media L. Rep. 2033 (N.Y. App. Div. 1992)	Denial reversed			FR	
<i>Behr v. Weber</i> , 18 Media L. Rep. 1581 (N.Y. Sup. Ct. 1990)	Motion granted			O, PubF	
<i>Behr v. Weber</i> , 172 A.D.2d 441, 568 N.Y.S.2d 948, 18 Media L. Rep. 2237 (N.Y. App. Div. 1991)	Grant affirmed			O, Pvg, LPQ	
<i>Beverley v. Choices Women's Medical Center Inc.</i> , 141 A.D.2d 89, 532 N.Y.S.2d 400, 16 Media L. Rep. 1159 (N.Y. App. Div. 1988)	Partial grant partially reversed			DM	FL, Misapp
<i>Bowes v. Magna Concepts Inc.</i> , 166 A.D.2d 347, 561 N.Y.S.2d 16, 18 Media L. Rep. 1303 (N.Y. App. Div. 1990)	Denial reversed	Priv		SIR	
<i>Chalpin v. Amordian Press</i> , 128 A.D.2d 81, 515 N.Y.S.2d 434, 14 Media L. Rep. 1206 (N.Y. App. Div. 1987)	Grant partially affirmed			GI	
<i>Coclin v. Lane Press, Inc.</i> , 620 N.Y.S.2d 41 (N.Y. App. Div. 1994)	Grant affirmed			Pvg	
<i>Cuthbert v. National Organization for Women</i> , 207 A.D.2d 624, 615 N.Y.S.2d 534 (N.Y. App. Div. 1994)	Grant affirmed	Priv		DM, FR, Pvg	
<i>D'Agrosa v. Newsday, Inc.</i> , 158 A.D.2d 229, 558 N.Y.S.2d 961 (2d Dep't 1990)	Denial reversed			GI, SIR	
<i>Dairy Barn Stores v. ABC</i> , 15 Media L. Rep. 1239 (N.Y. Sup. Ct. 1988)	Motion granted			DM, GI	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Death v. Salem</i> , 143 A.D.2d 253, 532 N.Y.S.2d 285, 15 Media L. Rep. 2062 (N.Y. App. Div. 1988)	Denial affirmed			GI	
<i>Delaney v. NBC</i> , 14 Media L. Rep. 1761 (N.Y. Sup. Ct. 1987)	Motion denied	Priv	SJ-F	GI	
<i>Delaney v. Newsday Inc.</i> , 18 Media L. Rep. 1885 (N.Y. Sup. Ct. 1991)	Motion granted				Misapp
<i>DeMarco-Stone Funeral Home v. WRGB Advertising Inc.</i> , 203 A.D.2d 780, 610 N.Y.S.2d 666 (N.Y. App. Div. 1994)	Grant affirmed	Priv		AM, DM, Repub	
<i>Dickerson v. Gannett Satellite Information Network Inc.</i> , 17 Media L. Rep. 2135 (N.Y. Sup. Ct. 1990)	Motion granted	Priv		GI	
<i>Doe v. American Broadcasting Companies Inc.</i> , 152 A.D.2d 482, 543 N.Y.S.2d 455, 16 Media L. Rep. 1958 (N.Y. App. Div. 1989)	Denial partially affirmed				IIED, BK, NIED
<i>Dolan v. Buffalo News</i> , 188 A.D.2d 1039, 592 N.Y.S.2d 197 (N.Y. App. Div. 1992)	Grant reversed			Pvg	
<i>Durepo v. Flower City Television Corp.</i> , WOKR, 147 A.D.2d 934, 537 N.Y.S.2d 391 (N.Y. App. Div. 1989)	Partial grant partially reversed	Priv		GI	IIED
<i>Evans v. High Society Magazine</i> , 16 Media L. Rep. 1032 (N.Y. Sup. Ct. 1988)	Motion granted			SoL	
<i>Evarts v. Downey</i> , 16 Media L. Rep. 2449 (N.Y. Sup. Ct. 1989)	Motion denied			AM, O, PubF	
<i>Fils-Aime v. Enlightenment Press</i> , 133 Misc.2d 559, 507 N.Y.S.2d 947, 13 Media L. Rep. 1971 (N.Y. Sup. Ct. App. Term 1986)	Denial affirmed	Priv			Misapp
<i>Finger v. Omni Publications International</i> , 77 N.Y.2d 138, 564 N.Y.S.2d 1014, 566 N.E.2d 141, 18 Media L. Rep. 1555 (N.Y. 1990)	Grant affirmed				Misapp
<i>Freeman v. Johnston</i> , 192 A.D.2d 250, 601 N.Y.S.2d 606, 21 Media L. Rep. 2187 (N.Y. App. Div. 1993)	Grant affirmed	Pub		AM, Pvg	FL
<i>Freeman v. Johnston</i> , 84 N.Y.2d 52, 614 N.Y.S.2d 377, 637 N.E.2d 268, 22 Media L. Rep. 1929 (N.Y. 1994)	Grant affirmed	Pub	LL-P; IAR	AM, DM, Fal	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Glickman v. Stern</i> , 19 Media L. Rep. 1769 (N.Y. Sup. Ct. 1991)	Motion granted	Priv	SJ-F	DM	IIED, Misapp
<i>Goldblatt v. Seaman</i> , 22 Media L. Rep. 2059 (N.Y. Sup. Ct. 1994)	Motion granted	Pub	LL-P	AM	Misapp
<i>Gross v. The New York Times Co.</i> , 151 Misc.2d 571, 575 N.Y.S.2d 221, 18 Media L. Rep. 2362 (N.Y. Sup. Ct. 1991)	Motion granted	Pub		O	
<i>Immuno A.G. v. Moor-Jankowski</i> , 14 Media L. Rep. 1821 (N.Y. Sup. Ct. 1987)	Motion denied			AM, O	PFT
<i>Immuno A.G. v. Moor-Jankowski</i> , 145 A.D.2d 114, 537 N.Y.S.2d 129, 16 Media L. Rep. 1145 (N.Y. App. Div. 1989)	Denial reversed		SJ-F	Fal, O	
<i>Immuno A.G. v. Moor-Jankowski</i> , 74 N.Y.2d 548, 549 N.Y.S.2d 938, 549 N.E.2d 129, 17 Media L. Rep. 1161 (N.Y. 1989)	Grant affirmed		SJ-F	O	
<i>Immuno A.G. v. Moor-Jankowski</i> , 77 N.Y.2d 235, 566 N.Y.S.2d 906, 567 N.E.2d 1270, 18 Media L. Rep. 1625 (N.Y. 1990)	Grant affirmed		SJ-F	Fal, O	
<i>Kandell v. Dow Jones & Co. Inc.</i> , 19 Media L. Rep. 1828 (N.Y. Sup. Ct. 1991)	Motion granted			DM	
<i>Kane v. Village Voice Inc.</i> , 18 Media L. Rep. 1557 (N.Y. Sup. Ct. 1990)	Motion granted			GI	
<i>Kostolecki v. Buffalo Courier Express Co.</i> , 163 A.D.2d 856, 558 N.Y.S.2d 385, 18 Media L. Rep. 1368 (N.Y. App. Div. 1990)	Denial affirmed	Pub		AM	
<i>Landsman v. Tonawanda Publishing Corporation</i> , 186 A.D.2d 1028, 588 N.Y.S. 2d 480 (N.Y. App. Div. 1992)	Partial denial affirmed			GI	
<i>Lee v. Rochester</i> , 195 A.D.2d 1000, 600 N.Y.S.2d 564, 21 Media L. Rep. 2315 (N.Y. App. Div. 1993)	Denial reversed	Priv		Pvg, GI	
<i>Lesyk v. Putnam County News and Recorder</i> , 164 A.D.2d 881, 559 N.Y.S.2d 556, 18 Media L. Rep. 1618 (N.Y. App. Div. 1990)	Grant affirmed			O	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Liffiton v. Buffalo Evening News</i> , 143 A.D.2d 515, 532 N.Y.S.2d 947 (N.Y. App. Div. 1988)	Grant affirmed			Pvg	
<i>Linn v. Lord</i> , 16 Media L. Rep. 1054 (N.Y. Sup. Ct. 1988)	Motion granted				Frd, Csp, BrFid
<i>Love v. Kwitny</i> , 186 A.D.2d 111, 587 N.Y.S. 2d 433 (N.Y. App. Div. 1992)	Grant affirmed			O, GI	
<i>Mason v. Hirschfeld</i> , 16 Media L. Rep. 2023 (N.Y. Sup. Ct. 1989)	Motion granted	Pub		DM	
<i>Milford Plaza Associates v. Hearst Corp.</i> , 200 A.D.2d 363, 606 N.Y.S.2d 184, 22 Media L. Rep. 1128 (N.Y. App. Div. 1994)	Grant affirmed	Pub		DM	
<i>Millius v. Newsday Inc.</i> , 22 Media L. Rep. 2122 (N.Y. Sup. Ct. 1994)	Motion granted	Pub		AM, O	
<i>Milo v. CBS</i> , 14 Media L. Rep. 1982 (N.Y. Sup. Ct. 1987)	Motion granted	Priv		OC, GI	
<i>Mingus v. Dell Publishing Co. Inc.</i> , 17 Media L. Rep. 1370 (N.Y. Sup. Ct. 1990)	Motion granted			O, SubT	Misapp
<i>Mulroy v. Daily Gazette Co.</i> , 15 Media L. Rep. 1160 (N.Y. Sup. Ct. 1988)	Motion granted			PubF, GI	
<i>Murphy v. Battle</i> , 21 Media L. Rep. 2153 (N.Y. Sup. Ct. 1993)	Motion granted	Pub		AM	
<i>New York Yankees v. CBS Inc.</i> , 16 Media L. Rep. 1055 (N.Y. Sup. Ct. 1988)	Motion granted	Pub	LL-P	AM	
<i>Park v. Capital Cities Communications Inc.</i> , 181 A.D.2d 192, 585 N.Y.S.2d 902, 20 Media L. Rep. 1613 (N.Y. App. Div. 1992)	Denial reversed	Pub	SJ-F	AM, DM, O	
<i>Paul v. Haley</i> , 183 A.D.2d 44, 588 N.Y.S.2d 897, 20 Media L. Rep. 2041 (N.Y. App. Div. 1992)	Denial reversed				
<i>Polish American Immigration Relief Committee Inc. v. Relax</i> , 189 A.D.2d 370, 596 N.Y.S.2d 756, 21 Media L. Rep. 1818 (N.Y. App. Div. 1993)	Denial reversed	Priv		O	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Prescott v. Newsday</i> , 14 Media L. Rep. 2170 (N.Y. Sup. Ct. 1988)	Motion granted			O, SubT	
<i>Quarcini v. Niagara Falls Gazette</i> , 13 Media L. Rep. 2340 (N.Y. Sup. Ct. 1987)	Motion granted	Priv	SJ-F	FR, GI	
<i>Rust Communications v. 70 State Street Travel</i> , 122 A.D.2d 584, 504 N.Y.S.2d 927, 13 Media L. Rep. 1063 (N.Y. App. Div. 1986)	Denial reversed			GI	
<i>Scacchetti v. Gannett Co.</i> , 123 A.D.2d 497, 507 N.Y.S.2d 337, 13 Media L. Rep. 1396 (N.Y. App. Div. 1986)	Denial affirmed	Pub		AM, PubF	
<i>Seldon v. Shanken</i> , 143 A.D.2d 3, 531 N.Y.S.2d 264, 15 Media L. Rep. 1871 (N.Y. App. Div. 1988)	Denial reversed and remanded			Fal	
<i>Shelley v. Newsday</i> , 15 Media L. Rep. 2295 (N.Y. Sup. Ct. 1988)	Motion granted			O	
<i>Silver Screen Management Services Inc. v. Forbes Inc.</i> , 19 Media L. Rep. 1744 (N.Y. Sup. Ct. 1991)	Motion granted			DM, Fal, O, GI	IF, TI, PFT
<i>Smith v. Soft Sheen Products Inc.</i> , 18 Media L. Rep. 1853 (N.Y. Sup. Ct. 1991)	Motion granted			SoL	Misapp
<i>Suozzi v. Parente</i> , 202 A.D.2d 94, 616 N.Y.S.2d 355, 23 Media L. Rep. 1179 (N.Y. App. Div. 1994)	Grant affirmed	Pub		AM, DM	
<i>Tomasino v. William Morrow & Co., Inc.</i> , 174 A.D.2d 734, 571 N.Y.S.2d 571, 18 Media L. Rep. 2399 (N.Y. App. Div. 1991)	Denial reversed			SoL	
<i>Virelli v. Goodson Todman Enterprises</i> , 159 A.D.2d 23, 558 N.Y.S.2d 314, 18 Media L. Rep. 1111 (N.Y. App. Div. 1990)	Grant affirmed	Priv		GI	
<i>Von Gerichten v. Long Island Advance</i> , 202 A.D.2d 495, 609 N.Y.S.2d 246 (N.Y. App. Div. 1994)	Denial reversed	Priv		Fal, GI	
<i>Weiner v. Doubleday & Co., Inc.</i> , 14 Media L. Rep. 2107 (N.Y. Sup. Ct. 1987)	Motion denied			GI	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Weiner v. Doubleday & Co., Inc.</i> , 142 A.D.2d 100, 535 N.Y.S.2d 597, 15 Media L. Rep. 2441 (N.Y. App. Div. 1988)	Denial reversed		SJ-F	O, GI	
<i>Weiner v. Doubleday & Co., Inc.</i> , 74 N.Y.2d 586, 550 N.Y.S.2d 251, 549 N.E.2d 453, 17 Media L. Rep. 1165 (N.Y. 1989)	Grant affirmed	Priv		DM, O, GI	
<i>Welch v. Group W Productions Inc.</i> , 138 Misc.2d 856, 525 N.Y.S.2d 466, 15 Media L. Rep. 1062 (N.Y. Sup. Ct. 1987)	Motion granted				Misapp
<i>Wilsey v. Saratoga Harness Racing Inc.</i> , 140 A.D.2d 857, 528 N.Y.S.2d 688, 15 Media L. Rep. 1446 (N.Y. App. Div. 1988)	Grant affirmed			AM, PubF, Repub	
<i>Donovan v. Fiumara</i> , 114 N.C.App. 524, 442 S.E.2d 572, 22 Media L. Rep. 2173 (N.C. Ct. App. 1994)	Grant affirmed	Priv		DM	Int
<i>Hall v. Post</i> , 84 N.C.App. 610, 355 S.E.2d 819, 14 Media L. Rep. 1129 (N.C. Ct. App. 1987)	Grant reversed				PF
<i>Hall v. Post</i> , 323 N.C. 259, 372 S.E.2d 711, 15 Media L. Rep. 2329 (N.C. 1988)	Denial reversed			Wire	PF
<i>McKinney v. Avery Journal</i> , 99 N.C. App. 529, 393 S.E.2d 295, 18 Media L. Rep. 1204 (N.C. Ct. App. 1990)	Grant affirmed	Priv		N, Repub	IIED
<i>Proffitt v. Greensboro News & Record</i> , 91 N.C.App. 218, 371 S.E.2d 292 (N.C. Ct. App. 1988)	Grant affirmed	Pub	LL-P	AM	
<i>Ward v. Roy H. Park Broadcasting Co.</i> , 101 N.C.App. 576, 400 S.E.2d 779, 18 Media L. Rep. 2311 (N.C. Ct. App. 1991)	Grant affirmed	Pub		AM, Pvg, PubF	
<i>Klem v. Dickinson Press</i> , 20 Media L. Rep. 1710 (N.D. Dist. Ct. 1992)	Motion granted			DM	
<i>April v. Reflector-Herald Inc.</i> , 46 Ohio App.3d 95, 546 N.E.2d 466, 15 Media L. Rep. 2455 (Ohio Ct. App. 1988)	Grant affirmed			NR	
<i>Baby Tenda of Greater Cincinnati, Inc. v. Taft Broadcasting Company</i> , 63 Ohio App.3d 550, 579 N.E.2d 522 (Ohio Ct. App. 1989)	Grant affirmed	Priv	LL-P	N	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Calton v. CV Radio Associates, L.P.</i> , 93 Ohio App.3d 812, 639 N.E.2d 1249, 23 Media L. Rep. 1183 (Ohio Ct. App. 1994)	Grant affirmed	Pub		DM, Fal	BK
<i>Celebrezze v. Dayton Newspapers Inc.</i> , 13 Media L. Rep. 1911 (Ohio Ct. Common Pleas 1986)	Motion granted	Pub		O	IIED
<i>Celebrezze v. Dayton Newspapers Inc.</i> , 41 Ohio App.3d 343, 535 N.E.2d 755, 15 Media L. Rep. 1589 (Ohio Ct. App. 1988)	Grant affirmed			O	IIED, FL
<i>Celebrezze v. Netzley</i> , 51 OhioSt.3d 89, 554 N.E.2d 1292, 17 Media L. Rep. 1970 (Ohio 1990)	Grant reversed				
<i>Condit v. Clermont Review</i> , 93 Ohio App.3d 166, 638 N.E.2d 96 (Ohio Ct. App. 1994)	Grant reversed	Pub	SJ-D; LL-N	AM, PubF	
<i>Dinkel v. Lincoln Publishing Co.</i> , 21 Media L. Rep. 1787 (Ohio Ct. Common Pleas 1994)	Motion granted	Priv		FR	
<i>Dinkel v. Lincoln Publishing Co.</i> , 93 Ohio App.3d 344, 638 N.E.2d 611, 22 Media L. Rep. 2378 (Ohio Ct. App. 1994)	Grant affirmed	Priv		DM, FR, Fal, N, Pvg	FL
<i>Hampton v. Dispatch Printing Co.</i> , 15 Media L. Rep. 2093 (Ohio Ct. App. 1988)	Grant affirmed			DM, LPQ	
<i>Harris v. Plain Dealer</i> , 40 Ohio App.3d 127, 532 N.E.2d 192 (Ohio Ct. App. 1988)	Grant affirmed	Pub	LL-P	AM, FR, PubF	
<i>Haynik v. Zimlich</i> , 30 OhioMisc.2d 16, 498 N.E.2d 1095, 13 Media L. Rep. 2057 (Ohio Ct. Common Pleas 1986)	Motion granted	Priv		DM	FL, Int, PF
<i>Kerns v. Akron Beacon Journal</i> , 21 Media L. Rep. 1928 (Ohio Ct. Common Pleas 1993)	Motion granted	Priv		Fal	FL, Int, PF
<i>Mastandrea v. Lorain Journal Company</i> , 65 Ohio App.3d 221, 583 N.E.2d 984 (Ohio Ct. App. 1989)	Grant affirmed	Pub	SJ-F; LL-B; IAR	AM, FR	
<i>McLin v. Dayton Newspapers</i> , 17 Media L. Rep. 1074 (Ohio. Mun. Ct. 1989)	Motion granted	Pub	LL-P	AM	IIED, FL, Int
<i>Mendise v. Plain Dealer Publishing Co.</i> , 69 Ohio App.3d 721, 591 N.E.2d 789, 18 Media L. Rep. 1325 (Ohio Ct. App. 1990)	Denial affirmed	Priv	LL-P	DM	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Milkovich v. News-Herald</i> , 46 Ohio App.3d 20, 545 N.E.2d 1320, 17 Media L. Rep. 1309 (Ohio Ct. App. 1989)	Grant affirmed	Pub		O	
<i>Milkovich v. News-Herald</i> , 70 Ohio App.3d 480, 591 N.E.2d 394 (Ohio Ct. App. 1990)	Denial affirmed	Priv		O	
<i>Mueller v. Storer Communications</i> , 46 Ohio App.3d 57, 545 N.E.2d 1317 (Ohio Ct. App. 1988)	Grant affirmed	Pub	LL-P	AM, PubF	
<i>National Medic Services Corp. v. E.W. Scripps Co.</i> , 15 Media L. Rep. 1313 (Ohio Ct. Common Pleas 1988)	Motion granted	Priv	SJ-F	AM, Fal, O, SubT	
<i>National Medic Services Corp. v. E.W. Scripps Co.</i> , 61 Ohio App.3d 752, 573 N.E.2d 1148 (Ohio Ct. App. 1989)	Grant affirmed			Fal	
<i>Nussbaumer v. Time</i> , 13 Media L. Rep. 1753 (Ohio Ct. App. 1986)	Grant affirmed	Pub		AM, PubF, SubT	
<i>Ohio Savings Association v. Business First of Columbus</i> , 43 Ohio App.3d 215, 540 N.E.2d 320 (Ohio Ct. App. 1988)	Grant affirmed		SJ-F	Fal, O	Bank
<i>Oney v. Allen</i> , 39 OhioSt.3d 103, 529 N.E.2d 471, 15 Media L. Rep. 2147 (Ohio 1988)	Denial reversed and remanded			FR	
<i>Perez v. Scripps-Howard Broadcasting</i> , 35 OhioSt.3d 215, 520 N.E.2d 198, 15 Media L. Rep. 1318 (Ohio 1988)	Denial reversed	Pub	SJ-F; LL-P; IAR	AM	
<i>Powell v. Toledo Blade Co.</i> , 19 Media L. Rep. 1727 (Ohio Ct. Common Pleas 1991)	Motion granted	Pub		AM, PubF	FL, PF, Misapp
<i>Scott v. News Herald</i> , 25 OhioSt.3d 243, 496 N.E.2d 699, 13 Media L. Rep. 1241 (Ohio 1986)	Grant affirmed	Pub		AM, O, PubF	
<i>Soke v. Plain Dealer</i> , 69 Ohio St.3d 395, 632 N.E.2d 1282, 22 Media L. Rep. 1910 (Ohio 1994)	Denial reversed	Pub		PubF	
<i>Stepien v. Franklin</i> , 39 Ohio App.3d 47, 528 N.E.2d 1324, 15 Media L. Rep. 2246 (Ohio Ct. App. 1988)	Grant affirmed	Pub	SJ-F; IAR	O	IIED
<i>Sullivan v. Tucci</i> , 69 Ohio App.3d 20, 590 N.E.2d 13 (Ohio Ct. App. 1990)	Grant affirmed	Pub		LPQ	FL
<i>Varanese v. Gall</i> , 35 OhioSt.3d 78, 518 N.E.2d 1177, 14 Media L. Rep. 2361 (Ohio 1988)	Grant reversed	Pub	SJ-F; LL-P; IAR	AM	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Vinci v. American Can Company</i> , 69 Ohio App.3d 727, 591 N.E.2d 793 (Ohio Ct. App. 1990)	Grant affirmed				Misapp
<i>Bobb v. Kraybill</i> , 354 Pa.Super. 361, 511 A.2d 1379 (Pa. Super. Ct. 1986)	Grant affirmed	Priv		SubT	
<i>Brueningsen v. Sparks</i> , 16 Media L. Rep. 1012 (Pa. Ct. Common Pleas 1988)	Motion granted			SubT	
<i>Evans v. Philadelphia Newspapers Inc.</i> , 411 Pa.Super. 244, 601 A.2d 330, 19 Media L. Rep. 1868 (Pa. Super. Ct. 1991)	Grant affirmed			SoL	TI
<i>Fink v. Packard Press Corp.</i> , 17 Media L. Rep. 1193 (Pa. Ct. Common Pleas 1989)	Motion granted	Pub	LL-P	AM, FR, O	
<i>Iafrate v. Hadesty</i> , 19 Media L. Rep. 2184 (Pa. Ct. Comm. Pleas 1992)	Motion granted	Pub		AM, PubF	
<i>Iafrate v. Hadesty</i> , 423 Pa.Super. 619, 621 A.2d 1005, 21 Media L. Rep. 1378 (Pa. Super. Ct. 1993)	Grant reversed	Priv			
<i>Jenkins v. Bolla</i> , 411 Pa.Super. 119, 600 A.2d 1293, 19 Media L. Rep. 2059 (Pa. Super. Ct. 1992)	Grant affirmed				PF
<i>Mosely v. Observer Publishing Co.</i> , 427 Pa.Super. 471, 629 A.2d 965, 21 Media L. Rep. 1886 (Pa. Super. Ct. 1993)	Grant affirmed	Pub	SJ-F	FR	
<i>Neish v. Beaver Newspapers</i> , 398 Pa.Super. 588, 581 A.2d 619, 18 Media L. Rep. 1251 (1990)	Grant affirmed	Pub		DM *	FL, IntK
<i>Salerno v. Philadelphia Newspapers Inc.</i> , 377 Pa.Super. 83, 546 A.2d 1186, 15 Media L. Rep. 2416 (Pa. Super. Ct. 1988)	Grant affirmed			DM	IIED
<i>Savitsky v. Shenandoah Valley Publishing Corp.</i> , 389 Pa.Super. 176, 566 A.2d 901, 17 Media L. Rep. 1219 (Pa. Super. Ct. 1989)	Grant partially affirmed	Pub	SJ-F; LL-P	AM, DM, Hyp	
<i>Shawnee-Penn Manufacturing Co. v. Call-Chronicle Newspapers</i> , 13 Media L. Rep. 2153 (Pa. Ct. Common Pleas 1987)	Motion granted			DM, FR	FL, PF
<i>Smith v. Linn</i> , 386 Pa.Super. 392, 563 A.2d 123, 16 Media L. Rep. 2228 (Pa. Super. Ct. 1989)	Grant affirmed				PL, NegPub

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Capuano v. Outlet Co.</i> , 579 A.2d 469, 18 Media L. Rep. 1030 (R.I. 1990)	Grant partially affirmed	Pub	SJ-D; IAR	AM, Pvg, PubF	
<i>Doe v. Edward A. Sherman Publishing Co.</i> , 593 A.2d 457, 19 Media L. Rep. 1028 (R.I. 1991)	Grant affirmed	Priv			PF
<i>Adams v. Daily Telegraph Printing Co.</i> , 292 S.C. 273, 356 S.E.2d 118, 13 Media L. Rep. 2034 (S.C. Ct. App. 1986)	Grant reversed	Priv		DM, PubF, OC, HN	
<i>Adams v. Daily Telegraph Printing Co.</i> , 295 S.C. 218, 367 S.E.2d 702, 15 Media L. Rep. 1672 (S.C. 1988)	Denial affirmed			Pvg	
<i>Dorman v. Aiken Communications Inc.</i> , 303 S.C. 63, 398 S.E.2d 687, 18 Media L. Rep. 1394 (S.C. 1990)	Denial partially affirmed	Priv			IIED, PF
<i>Janklow v. Viking Press</i> , 16 Media L. Rep. 2189 (S.D. Cir. Ct. 1989)	Motion granted	Pub		AM, O	
<i>Janklow v. Viking Press</i> , 459 N.W.2d 415, 17 Media L. Rep. 2220 (S.D. 1990)	Grant affirmed	Pub	LL-P	AM, O	
<i>Carroll v. Times Printing Co.</i> , 14 Media L. Rep. 1210 (Tenn. Ct. App. 1987)	Grant affirmed			SubT	
<i>Evans v. Nashville Banner Publishing Co.</i> , 15 Media L. Rep. 2216 (Tenn. Ct. App. 1988)	Grant affirmed			DM, FR	
<i>Ferguson v. Union City Daily Messenger Inc.</i> , 845 S.W.2d 162, 20 Media L. Rep. 2159 (Tenn. 1992)	Grant affirmed	Pub			
<i>McDowell v. Moore</i> , 863 S.W.2d 418 (Tenn. Ct. App. 1992)	Grant reversed			AM, PubF	
<i>Trigg v. The Elk Valley Times</i> , 720 S.W.2d 69 (Tenn. Ct. App. 1986)	Grant affirmed	Pub		AM, PubF	
<i>Anonsen v. Donahue</i> , 857 S.W.2d 700 (Tex. Ct. App. 1993)	Grant affirmed				PF
<i>Brady v. Cox Enterprises Inc.</i> , 782 S.W.2d 272, 17 Media L. Rep. 1273 (Tex. Ct. App. 1989)	Grant affirmed	Pub		AM, FR	
<i>Briggs v. Channel 4, KGBT</i> , 739 S.W.2d 377, 14 Media L. Rep. 1569 (Tex. Ct. App. 1987)	Grant reversed	Pub	IAR	AM, O, PubF	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Channel 4 KGBT v. Briggs</i> , 759 S.W.2d 939, 15 Media L. Rep. 1789 (Tex. 1988)	Denial reversed and remanded	Pub		AM	
<i>Clarke v. Denton Publishing Company</i> , 793 S.W.2d 329 (Tex. Ct. App. 1990)	Grant partially affirmed				FL
<i>Covington v. Houston Post</i> , 743 S.W.2d 345, 15 Media L. Rep. 1707 (Tex. Ct. App. 1988)	Grant partially affirmed			SoL	
<i>Diaz v. Rankin</i> , 777 S.W.2d 496, 16 Media L. Rep. 2458 (Tex. Ct. App. 1989)	Grant reversed			DM, Fal, OC	
<i>Doe v. Star Telegram, Inc.</i> , 864 S.W.2d 790 (Tex. Ct. App. 1993)	Grant reversed				PF
<i>Guinn v. Texas Newspapers Inc.</i> , 738 S.W.2d 303, 16 Media L. Rep. 1024 (Tex. Ct. App. 1987)	Grant reversed			PubF	
<i>Hill v. Herald Post</i> , 877 S.W.2d 774 (Tex. Ct. App. 1994)	Motion granted	Priv		DM, Pvg, PubF, SubT	
<i>Finklea v. Jacksonville Daily Progress</i> , 742 S.W.2d 512 (Tex. Ct. App. 1987)	Grant affirmed	Priv	SJ-F	FR, SubT, LPP	
<i>Jacobs v. McIlvain</i> , 759 S.W.2d 467 (Tex. Ct. App. 1988)	Grant reversed	Priv		AM, FR, Fal, Pvg, PR, OC	
<i>Johnson v. Houston Post Co.</i> , 807 S.W.2d 613, 19 Media L. Rep. 1159 (Tex. Ct. App. 1991)	Grant affirmed			DM	
<i>Johnson v. Southwestern Newspapers Corp.</i> , 855 S.W.2d 182, 21 Media L. Rep. 1746 (Tex. Ct. App. 1993)	Grant affirmed	Pub		AM, O, PubF, SubT	
<i>Langston v. Eagle Publishing Co.</i> , 719 S.W.2d 612 (Tex. Ct. App. 1986)	Grant reversed	Priv		AM, FR, SubT, LPP	
<i>Langston v. Eagle Printing Company</i> , 797 S.W.2d 66 (Tex. Ct. App. 1990)	Grant affirmed			FR, SubT	
<i>Lewis v. A.H. Belo Corp.</i> , 818 S.W.2d 856, 19 Media L. Rep. 1566 (Tex. Ct. App. 1991)	Grant affirmed			SubT	
<i>McIlvain v. Jacobs</i> , 794 S.W.2d 14, 17 Media L. Rep. 2207 (Tex. 1990)	Grant affirmed	Priv		SubT	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>McNamara v. Freedom Newspapers Inc.</i> , 802 S.W.2d 901, 18 Media L. Rep. 1679 (Tex. Ct. App. 1991)	Grant affirmed	Priv			IIED, PF, NIED
<i>Rogers v. Dallas Morning News, Inc.</i> , 889 S.W.2d 467 (Tex. Ct. App. 1994)	Grant affirmed			SubT	IIED, Csp, IntK
<i>Taylor v. Higgs</i> , 764 S.W.2d 935 (Tex. Ct. App. 1989)	Grant affirmed			DM	
<i>Villarreal v. Harte-Hanks Communications Inc.</i> , 787 S.W.2d 131, 17 Media L. Rep. 1575 (Tex. Ct. App. 1990)	Grant affirmed		SJ-F	PubF	
<i>Wavell v. Caller Times Publishing Co.</i> , 809 S.W.2d 633, 18 Media L. Rep. 2204 (Tex. Ct. App. 1991)	Grant affirmed	Priv	LL-N		IIED, FL, PF
<i>Yiamoiuyiannis v. Thompson</i> , 764 S.W.2d 338, 16 Media L. Rep. 1476 (Tex. Ct. App. 1988)	Grant partially affirmed			O	
<i>Foothill Financial v. Bonneville International Corp.</i> , 19 Media L. Rep. 1575 (Utah Dist. Ct. 1991)	Motion granted	Pub		AM, PubF	
<i>Madsen v. United Television Inc.</i> , 797 P.2d 1083, 17 Media L. Rep. 1942 (Utah 1990)	Partial grant affirmed	Pub		FR	
<i>Russell v. Thomson Newspapers, Inc.</i> , 842 P.2d 896 (Utah 1992)	Grant reversed	Priv		FR, FC	IIED, FL, PF
<i>West v. Thomson Newspapers</i> , 835 P.2d 179, 20 Media L. Rep. 1329 (Utah Ct. App. 1992)	Grant partially affirmed	Pub		AM, O	
<i>West v. Thomson Newspapers</i> , 872 P.2d 999, 23 Media L. Rep. 1097 (Utah 1994)	Grant affirmed	Pub		DM, O	
<i>McCleary v. Keesling</i> , 21 Media L. Rep. 1028 (Va. Cir. Ct. 1993)	Motion granted	Priv		AM	
<i>Killington Ltd. v. Times Argus Assn.</i> , 14 Media L. Rep. 1314 (Vt. Super. Ct. 1987)	Motion granted	Pub	LL-P	AM, O	
<i>Brunsmann v. Longview Publishing Co.</i> , 15 Media L. Rep. 1740 (Wash. Ct. App. 1988)	Grant affirmed			Fal	FL
<i>Camer v. Seattle Post-Intelligencer</i> , 45 Wash.App. 29, 723 P.2d 1195, 13 Media L. Rep. 1481 (Wash. Ct. App. 1986)	Grant affirmed	Pub	SJ-F; LL-P	O, PubF, OC	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Haueter v. Cowles Publishing Co.</i> , 61 Wash.App. 572, 811 P.2d 231, 19 Media L. Rep. 2107 (Wash. Ct. App. 1991)	Grant affirmed	Priv		FR, Fal, Hyp	
<i>Herron v. King Broadcasting Co.</i> , 109 Wash.2d 514, 746 P.2d 295, 14 Media L. Rep. 2017 (Wash. 1987)	Grant reversed	Pub	LL-P	AM, Fal	
<i>Herron v. King Broadcasting Co.</i> , 112 Wash.2d 762, 776 P.2d 98, 17 Media L. Rep. 1289 (Wash. 1989)	Grant reversed	Pub	LL-B	AM, SubT	
<i>Herron v. Tribune Publishing Co.</i> , 108 Wash.2d 162, 736 P.2d 249, 14 Media L. Rep. 1097 (Wash. 1987)	Grant affirmed	Pub	LL-P	AM, FR	
<i>Hoppe v. Hearst Corp.</i> , 53 Wash.App. 668, 770 P.2d 203, 16 Media L. Rep. 2076 (Wash. Ct. App. 1989)	Grant affirmed	Pub		O	IIED, FL, NIED
<i>LaMon v. Butler</i> , 44 Wash.App. 654, 722 P.2d 1373, 13 Media L. Rep. 1495 (Wash. Ct. App. 1986)	Grant affirmed		LL-N	DM, FR, Fal, N	
<i>LaMon v. Butler</i> , 110 Wash.2d 216, 751 P.2d 842, 15 Media L. Rep. 1191 (Wash. 1988)	Grant affirmed			N	
<i>Margoles v. Hubbard</i> , 46 Wash.App. 832, 733 P.2d 554, 13 Media L. Rep. 2103 (Wash. Ct. App. 1987)	Denial affirmed	Pub	LL-SL	AM	
<i>Margoles v. Hubbard</i> , 111 Wash.2d 195, 760 P.2d 324, 16 Media L. Rep. 1196 (Wash. 1988)	Denial reversed	Pub	LL-P	AM	
<i>Powers v. KIRO</i> , 13 Media L. Rep. 1327 (Wash. Ct. App. 1986)	Grant affirmed			OC	
<i>Albertson v. TAK Communications Inc.</i> , 152 Wis.2d 88, 447 N.W.2d 539, 16 Media L. Rep. 2271 (Wis. Ct. App. 1989)	Grant affirmed			DM	Int, Frd, Tres
<i>Hurley v. Northwest Publications</i> , 22 Media L. Rep. 2127 (Wis. Ct. App. 1994)	Grant affirmed	Pub		AM, PubF	
<i>Van Straten v. Milwaukee Journal Newspaper-Publisher</i> , 151 Wis.2d 905, 447 N.W.2d 105, 16 Media L. Rep. 2408 (Wis. Ct. App. 1989)	Grant affirmed		LL-P	AM, N, PubF	PF
<i>Wiegel v. Capital Times Co.</i> , 145 Wis.2d 71, 426 N.W.2d 43, 15 Media L. Rep. 1569 (Wis. Ct. App. 1988)	Grant affirmed			AM, Repub	

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Casteel v. News-Record, Inc.</i> , 875 P.2d 21, 22 Media L. Rep. 2153 (Wyo. 1994)	Grant affirmed	Priv		FR	
<i>Dworkin v. L.F.P. Inc.</i> , 839 P.2d 903, 20 Media L. Rep. 2001 (Wyo. 1992)	Grant affirmed	Pub	SJ-F	SubT, Hyp	
<i>Spence v. Flynt</i> , 816 P.2d 771, 19 Media L. Rep. 1129 (Wyo. 1991)	Grant reversed			O, PubF, FC	

Key:

^aPlaintiff status: pub = public figure; priv = private figure.

^bProcedural approach: IAR = independent appellate review; SJ-F, SJ-D, and SJ-N = summary judgment favored, disfavored, or neutral (see Section III.G.1); LL-P, LL-N, LL-B, and LL-SL = *Liberty Lobby* applied "positively," "negatively," or "neutrally," or not applied because state law controlled, respectively (see Section III.G.2);

^cAM = actual malice; BDS = bank defamation statute; BrFid = Breach of fiduciary; Dam = damages issue; DM = defamatory meaning; Fal = falsity; FC = fair comment; FR = fair report; GI = gross irresponsibility; HN = hot news; Hyp = hyperbole; IH = incremental harm; LBI = libel by implication; LOC = law of the case; LOD = libel of dead; LPP = libel-proof plaintiff; LPQ = libel per quod/per se; N = negligence; NR = neutral report; O = opinion; OC = of and concerning; Pdy = parody; PF = public figure; Pvg = privilege; Repub = republication; Ret = retraction; SIR = single instance rule; SOL = statute of limitations; SubT = substantial truth; Wire = wire service defense.

^dBrFid = Breach of fiduciary; CivRt = Civil right; IntK = interference with contract; Mal = malpractice; Misapp = misappropriation; NegMis = negligent misrepresentation; NegSp = negligent supervision; Pft = prima facie tort; TC = tortious conduct; TI = tortious interference; Tres = trespass.

CASE/CITATION	RESULT	PLAINTIFF STATUS ^a	PROCEDURAL APPROACH ^b	ISSUES CONSIDERED ^c	OTHER CLAIMS ^d
<i>Capuano v. Outlet Co.</i> , 579 A.2d 469, 18 Media L. Rep. 1030 (R.I. 1990)	Grant partially affirmed	Pub	SJ-D; IAR	AM, Pvg, PubF	
<i>Doe v. Edward A. Sherman Publishing Co.</i> , 593 A.2d 457, 19 Media L. Rep. 1028 (R.I. 1991)	Grant affirmed	Priv			PF
<i>Adams v. Daily Telegraph Printing Co.</i> , 292 S.C. 273, 356 S.E.2d 118, 13 Media L. Rep. 2034 (S.C. Ct. App. 1986)	Grant reversed	Priv		DM, PubF, OC, HN	
<i>Adams v. Daily Telegraph Printing Co.</i> , 295 S.C. 218, 367 S.E.2d 702, 15 Media L. Rep. 1672 (S.C. 1988)	Denial affirmed			Pvg	
<i>Dorman v. Aiken Communications Inc.</i> , 303 S.C. 63, 398 S.E.2d 687, 18 Media L. Rep. 1394 (S.C. 1990)	Denial partially affirmed	Priv			IIED, PF
<i>Janklow v. Viking Press</i> , 16 Media L. Rep. 2189 (S.D. Cir. Ct. 1989)	Motion granted	Pub		AM, O	
<i>Janklow v. Viking Press</i> , 459 N.W.2d 415, 17 Media L. Rep. 2220 (S.D. 1990)	Grant affirmed	Pub	LL-P	AM, O	
<i>Carroll v. Times Printing Co.</i> , 14 Media L. Rep. 1210 (Tenn. Ct. App. 1987)	Grant affirmed			SubT	
<i>Evans v. Nashville Banner Publishing Co.</i> , 15 Media L. Rep. 2216 (Tenn. Ct. App. 1988)	Grant affirmed			DM, FR	
<i>Ferguson v. Union City Daily Messenger Inc.</i> , 845 S.W.2d 162, 20 Media L. Rep. 2159 (Tenn. 1992)	Grant affirmed	Pub			
<i>McDowell v. Moore</i> , 863 S.W.2d 418 (Tenn. Ct. App. 1992)	Grant reversed			AM, PubF	
<i>Trigg v. The Elk Valley Times</i> , 720 S.W.2d 69 (Tenn. Ct. App. 1986)	Grant affirmed	Pub		AM, PubF	
<i>Anonsen v. Donahue</i> , 857 S.W.2d 700 (Tex. Ct. App. 1993)	Grant affirmed				PF
<i>Brady v. Cox Enterprises Inc.</i> , 782 S.W.2d 272, 17 Media L. Rep. 1273 (Tex. Ct. App. 1989)	Grant affirmed	Pub		AM, FR	
<i>Briggs v. Channel 4, KGBT</i> , 739 S.W.2d 377, 14 Media L. Rep. 1569 (Tex. Ct. App. 1987)	Grant reversed	Pub	IAR	AM, O, PubF	