



BULLETIN

LDRC RECAP AND UPDATE:
Trial Results, Damage Awards and Appeals,
1980-89 and 1990-91: The "Chilling Effect"
Writ Large . . . Then Writ Larger

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I. INTRODUCTION

Much has been written in deserved praise of those brilliant insights regarding the interdependence of speech, and governance in a free society that have made New York Times v. Sullivan such a landmark of First Amendment law. But also undergirding Sullivan, and wedding its jurisprudential wisdom to more pragmatic concerns, was its prescient recognition of the potentially destructive economic impact of libel damage awards and their attendant chilling effects. As Justice Brennan sagely observed:

"Whether or not a newspaper can survive a succession of such judgments [\$500,000 in Sullivan; \$500,000 in a second case based on the same publication; and claims in three other related cases totalling \$2 million], the pall of fear and timidity imposed upon those who would give voice to public criticism is an atmosphere in which the First Amendment freedoms cannot survive." 376 U.S.254, 278.

In 1964, when Sullivan was decided, the Supreme Court was thus quite confident in its view that six-figure awards or a succession of judgments totalling into the low-seven figures, were of a magnitude severe enough -- whether or not a major corporate publisher such as The New York Times Company could literally survive them -- to create a general atmosphere that would surely cast a "pall of timidity," resulting from the fear of future imposition of such sanctions, upon every person wishing to speak out "robustly" on matters of public interest and concern. This economic judgment was certainly a valid one, even in relation to the relatively low level of libel awards that had been encountered up till that time.

For example, an LDRC analysis of libel damages in the decade prior to Sullivan revealed that the average award was \$127,434 at the time. That average would have dropped to below \$50,000 had the sole million-dollar award (among 38 awards) been excluded from the calculation. (See LDRC Bulletin No. 17 at 1-3.) Even adjusted for inflation (in 1986 dollars) the pre-Sullivan average award was 400% to 500% lower than the average libel award of the mid-1980's.

For an extended period after Sullivan, at least through 1977, the effects of the Sullivan rule itself had apparently held excessive damages in reasonable check. Thus, for the period 1964-1977, in a total of 73 reported jury awards, the average award (including the two awards during that 13-year period which exceeded \$1 million) was \$180,597, and without the two million-dollar

awards, was \$134,002. Again, adjusted for inflation, the average award during this immediate post-Sullivan period was still 200% to 400% lower than the mid-1980's experience. Id. at 3.

Beginning in or around 1980, as LDRC has previously and extensively reported, all hell began to break loose. LDRC's early damages findings painted an unprecedented and quite shocking picture of libel juries suddenly unimpressed with the protective strictures of Sullivan. See LDRC Bulletin No. 4 (Part 1) at 2-17 (August 15, 1982). Suddenly, the chill that Sullivan had feared might flow from million-dollar damages in a series of cases, had become a potential reality in every case. LDRC's subsequent studies continued to report the drumbeat of further adverse damages trends -- see LDRC Bulletin No. 11 at 1-37 (November 15, 1984); LDRC Bulletin No. 21 at 1-44 (October 15, 1987) and LDRC press releases dated August 23, 1989 and September 26, 1991.

Now, with the publication of this latest LDRC study, compiling and restating consolidated data for the full decade of the 1980's, and providing newly-published figures for the 1990-91 period documenting record-high verdicts that are multiples of those already sizable awards previously reported, a fundamental question must be asked. Given the current incidence of mega-awards far beyond the worst nightmares of the authors of Sullivan, and given the endemic occurrence of such excessive awards over this extended period, is it not perhaps time to conclude that the promise of Sullivan -- to prevent the chilling effects of libel claims -- has been broken? Certainly, when the focus is on the dark side of litigation under Sullivan -- i.e., results of jury trials, as herein reported -- it is difficult to ignore the potential chill of such data, a chill that unfortunately can only be exacerbated by LDRC's latest findings. On the other hand, the more favorable aspects of this report -- reporting post-trial and appellate results that often reverse or at least reduce adverse awards to a more survivable level -- may arguably soften the impact of the new data. Yet, as Justice Brennan observed more than 28 years ago, it is not merely the ability to survive such awards that obviates their chilling effects.

We thus leave it to the readers of this Bulletin to assess whether the events reported herein, economically survivable or not, are sufficient to cast a "pall of fear and timidity" on the media or others who would wish to speak freely in an atmosphere conducive to the unabridged exercise of their rights under the First Amendment.

II. EXECUTIVE SUMMARY

A. Summary of Findings: 1980-89

1. LDRC reports updated and recomputed data on 254 media libel, privacy and related trials in the 1980's, of which 235 (92.5%) were initially tried before juries.

2. Excluding 22 directed verdicts (9.4%), for the decade media defendants won barely one out of four (26.3% -- 56/213) of these jury trials. In contrast, in the few bench trials, the media won 52.6% (10/19).

3. When jury trials were lost, the jury's initial award averaged just under \$1.5 million for the decade (\$1,467,525). The median jury award for the ten-year period was \$200,000. Initial bench awards were lower -- an average of just over \$1 million (\$1,020,549), also with a lower median of \$165,000.

4. There were three dozen jury awards at or in excess of \$1 million during the decade, or almost one in four cases (22.8%). Jury awards in excess of \$10 million occurred in less than 2% of all trials (1.9%). There were two bench awards of \$1 million or more and none in the \$10 million-plus category.

5. Punitive damages were included by juries in almost three out of every five damage awards during the decade (57.0%). When awarded, punitive damages alone averaged more than \$1.5 million (\$1,558,023). The median punitive award -- \$200,000 -- was equal to the overall median of all awards. Only one-third of bench awards included a punitive element, with the judicially-ordered average punitive award at just under \$2 million (\$1,976,000) and the median of such punitive awards at \$600,000. These bench - punitive figures were substantially skewed by a single punitive award by \$5 million.

6. In total, during the decade juries would have awarded damages against the media approaching a quarter of a billion dollars (\$231,868,978), with judges in the small number of bench trials proposing to add less than \$10 million more (\$9,184,944) to that total.

7. After trial and on appeal, the success of media defendants markedly improved during the decade. At the post-trial motion stage, more than one quarter (28.5%) of the jury awards were overturned or modified in the defendant's favor. In more than 10% of the cases (10.1%), judgments notwithstanding the verdict were entered. Another 16.5% of the jury awards were reduced by the trial judge. In almost 2% of the jury cases (1.9%) defendants' motions for new trials were granted.

8. On appeal, defendants fared even better. Upwards of an additional three-fifths (52.3%) of the surviving plaintiff verdicts were reversed on appeal, while only slightly more than a third (36.2%) were finally affirmed. Damages were also reduced (or further reduced) in another 16.8% of the cases appealed by defendants.

9. In total, of the 167 initial jury and bench awards during the decade, only 58 (34.7%) survived the post-trial and appellate process at all, and 17 of the awards finally affirmed (10.2%) were affirmed only at a reduced level of damages. Thus, only 41 awards initially entered (24.6%) were affirmed as initially entered; the balance of the awards (75.4%) were in one fashion or another "disturbed" in favor of the libel defendant.

10. In terms of damages actually collected, in the relatively few cases where judgments were finally affirmed and paid substantially less than 10% of the dollars initially awarded (jury or bench) were paid (7.2%). The average award paid (jury or bench) was slightly in excess of a quarter of a million dollars (\$259,249), or only 18.0% of the initial average of those same awards, which was a bit under \$1.5 million (\$1,443,437).

B. Comparison of Findings: 1990-91

1. For the most recent two-year period (1990-91) LDRC reports data on 35 trials, of which 32 (91.4%) were tried before juries.

2. Excluding three directed verdicts (8.6%), media defendants won at the trial stage at almost the same unfavorable rate as in the prior decade -- 27.6% (8/29) of their jury trials during the latest period, compared to a 26.3% win rate in jury trials for the decade. In bench trials the media again did far better -- winning 66.7% (2/3) of the few cases not tried to juries, compared to the 52.6% bench trial win rate for the prior decade.

3. When jury trials were lost in the most recent two-year period, the average award increased dramatically to more than \$9 million (\$9,066,310), compared to less than \$1.5 million for the prior decade. The median award also skyrocketed -- to \$1.5 million, compared to the decade-long figure of \$200,000.

4. The two initial bench awards were comparatively miniscule, and were also down from the 1980's -- a \$53,300 average and median, compared to just over \$1 million and \$165,000 respectively for the prior decade.

5. The frequency of million and multi-million dollar jury awards again increased dramatically in 1990-91. Almost three out of five jury awards were in excess of \$1 million (57.1%), compared to less than one out of four for the decade. Indeed, more than one out of four of the 1990-91 awards were in excess of \$10 million (28.6%), compared to less than 2% for the prior decade.

6. In 1990-91 punitive damages were included by juries in more than three out of every four damage awards (76.2%) -- even worse than the 57% figure during the past decade. When awarded, punitive damages during the recent period averaged more than \$8 million (\$8,203,594), with the median punitive award at \$2.5 million, compared to just over \$1.5 million and \$200,000, respectively, for the decade. There were no punitive awards entered in the 3 bench trials concluded during the two-year period.

7. In total, for the two-year period juries would have awarded damages against the media approaching one-fifth of a billion dollars (\$190,392,505), or in much less than one-fifth the number of trials (13.3%) more than four-fifths (82.1%) of the damages initially awarded by juries during the entire decade of the 1980's. Projecting ahead for the decade of the '90's, if such trends were to continue, juries could be expected to undertake to impose more than a \$1 billion surtax on the media in libel and related cases.

8. Insufficient data is available on the post-trial and appellate process in these recent cases to make significant generalizations, except to note a disquieting phenomenon, in a couple of cases involving mega-awards well into the 8-figures, of forced settlements for undisclosed amounts in lieu of appeal.

I. TRIALS AND THEIR RESULTS

Table I-A
Number of Trials

	<u>1980-89</u>	<u>1990-91</u>
Jury	213	29
Jury/Directed Verdict	22	3
Bench	<u>19</u>	<u>3*</u>
Total Trials	254	35

Table I-B
Defense Wins - Trier of Fact

	<u>1980-89</u>	<u>1990-91</u>
Jury	56/213 (26.3%)	8/29 (27.6%)
Jury Directed Verdict	21/22 (95.5%)	3/3 (100.0%)
Bench	<u>10/19 (52.6%)</u>	<u>2/3* (66.7%)</u>
Total	87/254 (34.3%)	13/35 (37.1%)

Table I-C
Defense Wins-Venue

	<u>State</u>	<u>Federal</u>
1980-89	67/199 (33.7%)	20/55 (36.3%)
1990-91	<u>10/30 (33.3%)</u>	<u>2/5 (40.0%)</u>
Total	77/229 (33.6%)	22/60 (36.7%)

* Includes one referee trial of damages only, liability having been conceded. Damages were awarded by the referee.

Table I-D
Defense Wins - Plaintiff Status

	<u>Public Official/Public Figure</u>	<u>Private Figure</u>
1980-89*	49/144 (34.0%)	32/97 (32.9%)
1990-91*	<u>2/11 (18.2%)</u>	<u>9/22 (40.9%)</u>
Total	51/155 (32.9%)	41/119 (34.5%)

Table I-E
Defense Wins - Legal Standard

	<u>Actual Malice</u>	<u>Negligence</u>
1980-89**	54/151 (35.8%)	19/71 (26.8%)
1990-91**	<u>4/15 (26.7%)</u>	<u>6/13 (46.2%)</u>
Total	58/166 (34.9%)	25/84 (29.8%)

Table I-F
Defense Wins - Media Type

	<u>Print</u>	<u>Broadcast</u>
1980-89	Newspaper 56/168 (33%) Magazine 10/27 (37%) Book 2/4 (50%) Other <u>1/5 (20%)</u>	Television 17/40 (43%) Radio 3/8 (38%) Other 0/2 (0%)
	Total 68/204 (33%)	Total 20/50 (40%)

Other = trade journal, financial
data publication, newsletter

Other = film

1990-91	Newspaper 5/18 (28%) Magazine 3/6 (50%) Book 0/0 (0%) Other <u>0/2 (0%)</u>	Television 3/6 (50%) Radio 1/3 (33.3%) Other 0/0 (0%)
	Total 8/26 (31%)	Total 4/9 (44%)

* Status of thirteen 1980-89 plaintiffs and two 1990-91 plaintiffs, unknown.

** In thirty-two 1980-89 cases, and in seven 1990-91 cases, the legal standard was either unknown or not within the two major fault categories -- e.g., privacy, ancillary tort, common law privilege, or New York's special fault standard of "gross irresponsibility."

II. DAMAGE AWARDS

Table II-A-1
Initial Jury Award Totals

	<u>1980-89</u>	<u>1990-91</u>
# of Awards	158	21
Total \$ Awarded	\$231,868,978	\$190,392,505
# of Million Dollar Awards	36 (22.8%)	12 (57.1%)
# of Eight-Figure Awards	3 (1.9%)	6 (28.6%)
Average Award	\$1,467,525	\$9,066,310
Median Award	\$200,000	\$1,500,000

Table II-A-2
Initial Bench Award Totals

	<u>1980-89</u>	<u>1990-91</u>
# of Awards	9	2
Total \$ Awarded	\$9,184,944	\$106,600
# of Million Dollar Awards	2	0
# of Eight-Figure Awards	0	0
Average Award	\$1,020,549	\$53,300
Median Award	\$165,000	\$53,300

Table II-B-1
Range of Initial Awards - Jury

	<u>1980-89</u>	<u>1990-91</u>
\$0 - 50,000	40	4
\$50,001 - 100,000	22	2
\$100,001 - 250,000	23	0
\$250,001 - 500,000	19	2
\$500,001 - 750,000	12	2
\$750,001 - 999,999	6	0
\$1,000,000 - 9,999,999	32	6
\$10,000,000 - over	4	6

Table II-B-2
Range of Initial Awards - Bench

	<u>1980-89</u>	<u>1990-91</u>
\$0 - 50,000	3	1
\$50,001 - 100,000	0	1
\$100,001 - 250,000	3	0
\$250,001 - 500,000	0	0
\$500,001 - 750,000	1	0
\$750,001 - 999,999	0	0
\$1,000,000 - 9,999,999	2	0
\$10,000,000 - over	0	0

Table II-C-1
Punitive Damages - Jury

	<u>1980-89</u>	<u>1990-91</u>
# of Punitive Awards	90	16
% of All Jury Awards Including Punitive Damages	57%	76.2%
Total punitive \$ awarded	\$143,822,058	\$131,257,500
Average Punitive Damage Award	\$1,558,023	\$8,203,594
Median Punitive Damage Award	\$200,000	\$2,500,000*

Table II-C-2
Punitive Damages - Bench

	<u>1980-89</u>	<u>1990-91</u>
# of Punitive Awards	3	0
% of All Bench Awards Including Punitive Damages	33.3%	0
Total Punitive \$ awarded	\$5,925,000	0
Average Punitive Damage Award	\$1,975,000	0
Median Punitive Damage Award	\$600,000	0

* The median of the 16 punitive awards actually fell between awards of \$2 million and \$3 million, respectively.

Table II-D
Awards Finally Affirmed and Paid

	<u>1980-89</u>	<u>1990-91*</u>
Jury - Total \$ Paid	\$16,925,570	\$5,801
Jury - Average Paid	\$260,393	\$2,900
Bench - Total \$ Paid	\$444,117	\$75,600**
Bench - Average Paid	\$222,059	\$75,600**
Combined Total Paid	\$17,369,687	\$81,401
Combined Average Paid	\$259,249	\$27,133
Combined Median Paid	\$75,000	\$5,001

Table II-E
Public v. Private Figure Damage Results - Jury***

		<u>1980-89</u>	<u>1990-91</u>
Total \$ Public	Composite:	\$124,161,156	\$149,339,204
	Punitive:	\$73,753,505	\$104,337,500
Total \$ Private	Composite:	\$95,673,322	\$41,053,301
	Punitive:	\$62,555,553	\$26,920,000
Average Award - Public	Composite:	\$1,395,069	\$16,593,245
	Punitive:	\$1,250,059	\$11,593,056
Average Award - Private	Composite:	\$1,739,515	\$3,421,108
	Punitive:	\$2,502,222	\$3,845,714
Awards Finally Paid - Public	Total:	\$10,238,779	n/a
	Average:	\$330,283	n/a
Awards Finally Paid - Private	Total:	\$5,668,501	n/a
	Average:	\$182,855	n/a

* Data too preliminary to include results in most cases; only three awards yet finally affirmed and paid and available information identifies settlements of unknown amounts paid in four other cases.

** Referee trial on damages. No true bench award finally affirmed.

*** Figure do not include these cases where plaintiff status not known.

III. POST-TRIAL MOTIONS AND APPEAL

Table III-A-1
Defendant Post-Trial Motions

	<u>1980-89</u>	<u>1990-91</u>
JNOV* Granted**/Motions Made	16/42 (38.1%)	2/6 (33.3%)
Jury Damages Reduced/ Total Jury Awards Entered	26/158 (16.5%)	3/21 (14.3%)
# of New Trials	3/158 (1.9%)	1/21 (4.8%)
Total Awards Disturbed/ Total Awards	45/158 (28.5%)	6/21 (28.6%)

Table III-A-2
Plaintiff Post-Trial Motions:

	<u>1980-89</u>	<u>1990-91</u>
JNOV Granted/Motions Made	0/1 (0%)	2/3 (66.7%)
Motion for New Trial Granted/ Motions Made	1/2 (50%)	1/1 (100%)
Other Post-Trial Motions Granted/Motions Made	0/2 (0%)	0/0 (0%)

* Includes motions to set aside verdict

** Pro-defendant grants of JNOV by standard:

Actual Malice:	14/25 (56%)	2/4 (50%)
Negligence:	0/14 (0%)	0/1 (0%)
Other:	2/3 (66.7%)	0/1 (0%)

Table III-B-1
Defendant Appeals

	<u>1980-89</u>	<u>1990-91</u>
# of Cases Appealed	147	9
Reversals*++	78 (53.1%)	2+ (22%)
Damages Reduced**	25 (17%)	---
Total Awards Disturbed on Appeal	103 (70%)	n/a****
Settled	3 (2%)	3
Final Affirmances***	58 (39.5%)	0

* Includes both entry of judgment for defendant and vacating of plaintiff judgments with remand for new trial. Where multiple appeals completed, only final result is indicated. If further appeal pending, reflects most recent result.

** Includes 17 awards as to which liability had been expressly affirmed; and 8 awards as to which liability was either not challenged or information as to the disposition of any liability challenge was unavailable.

*** Includes 17 awards finally affirmed but at reduced level of damages. Excludes awards affirmed but then settled where further appeals would have been available.

**** Because so many of the 1990-91 appeals (6 by defendants, 1 by plaintiffs) are still pending, no meaningful figure can be reported.

+ Includes one case in which only damage award, not liability, was appealed.

++ Defendant appeal reversals by standard:

	<u>1980-89</u>	<u>1990-91</u>
Actual Malice	52/78 (66.7%)	1/1 (100%)
Negligence	17/78 (21.8%)	0/1 (0%)
Other or Unknown	9/78 (11.5%)	0/1 (0%)

Table III-B-2
Plaintiff Appeals

	<u>1980-89</u>	<u>1990-91</u>
# of Cases Appealed	47	5
Affirmed	31 (66.0%)	3 (60%)
Reversed	16 (34.0%)	1 (25%)

IV. SOME NOTES ON METHODOLOGY AND INTERPRETING THE LDRC DATA

A. Interpreting the Data

1. Overview. This is not the first LDRC report to disclose disquieting trends in media libel litigation. But it is clearly the most important and the most troubling. The latest study is LDRC's most important because the long-term data now available confirms that previously reported trends were not merely momentary aberrations. Rather it now seems, based on developments spread over a dozen years, that these adverse phenomena -- frequent jury trial losses combined with huge and often punitive damage awards that are only corrected, in most cases, after further costly motions and appeals -- have unfortunately become permanent fixtures on the media libel scene.

The latest data is also the most troubling because it suggests no apparent limit to the endemic excesses of mega-jury awards that have already had grave impact on all aspects of media libel litigation. In the 1980's, observers were shocked by the novel phenomenon of million-dollar libel awards -- at first as infrequent lightning strikes, but ultimately experienced in nearly one out of four media cases during the decade. Those past problems now pale in comparison to the experience in 1990 and 1991, when well over a majority of jury awards exceeded \$1 million and a quarter of the awards surpassed \$10 million, with the average award actually approaching that stratospheric eight-figure level! (Table II-B-1)

What these important and troubling LDRC findings reveal is nothing less than a systematic, long-term attempt by juries -- apparently unrestrainable despite the protective intentions of the U.S. Supreme Court's constitutional libel decisions -- to impose, at the behest of libel plaintiffs, a massive tax on the small fraction of media publications unlucky enough to fall through the net of generally favorable dismissal and summary judgment rulings that continue to render plenary libel trials relatively rare events. That attempted libel tax, as revealed by the data herein, amounted to almost a quarter of a billion dollars, spread over barely 150 media defendants, during the decade of the 1980's. (Table II-A-1) Yet as outrageous as that amount may seem, this tax on the media has been turned from merely a bad dream to a nightmare during the first two years of the 1990's. In just over 20 media awards, for the most recent period, the new data reveals that juries attempted to levy a libel excise of almost one-fifth of a billion dollars -- a figure that could well exceed one billion dollars over the coming decade were this trend to continue!

What is to be done? Clearly, abolition or radical limitation of punitive damages in libel actions is a very high priority. There can be no justification for the imposition of punitive awards-- supportable in only the most extreme and outrageous cases -- as a matter of course in upwards of 60% to 75% of all libel verdicts. (Table II-C-1) Moreover, when such unjustifiably frequent punitive verdicts are imposed, they have alone accounted for as much as 60% to almost 70% of the dollars awarded by juries for the decade, and the most recent two-year period, respectively. (Compare Id. to Table II-A-1) If the underlying justification for permitting libel claims at all is -- as the Supreme Court has held -- the need for compensating actual injury, then the distorted impact of such punitive awards is all the more intolerable.

A focus on punitive awards is not enough, however. It is clear from the LDRC data that juries know how to punish the media even when their damages are labelled "compensatory." This aspect of the problem flows from the ill-defined nature of the non-economic damages that are most often awarded in libel cases for damage to "reputation" and for "emotional distress." Such elements are to the media in libel litigation what "pain and suffering" awards are to doctors and medical providers in malpractice actions. They are the excuse for juries to shift wealth based on sympathy for the alleged travails of assertedly injured plaintiffs. And in the field of libel such sympathy is not even for arguably measurable physical pain, but rather for alleged social or psychic harm -- impacts all the more difficult if not impossible objectively to measure. Finally, and to make matters worse, the potential targets of overzealous awards are not simply the wallets of publishers and their insurers, which is troubling enough, but potentially all those dependent on the protection of their unfettered expression under the First Amendment.

It seems quite remarkable, in light of LDRC's latest findings, that more is not being done by so-called reform groups to attack the central issue of excessive libel damage awards. Most prominently, the pending effort to draft a [Uniform] Defamation Act has thus far completely failed effectively to address the damage problem. (See generally LDRC Bulletin, Special Issue A (June 30, 1992)) Although the Defamation Act Drafting Committee did recommend abolition of punitive damages, the Uniform Law Commissioners as a whole rejected that proposal last summer by a substantial majority. Moreover, the Drafting Committee has itself declined to adopt a variety of other approaches that could at least reduce the risks of excessive compensatory and punitive awards, preferring to allow juries continued broad latitude to enter awards for damage to reputation and for "resulting" emotional distress in most cases, and failing at least to impose some meaningful financial limitations on punitive awards. Indeed, under the proposed Defamation Act -- and despite its draftmen's asserted

interest in assuring "constitutional guarantees of free expression" -- the amounts of all such potentially unlimited damages would continue to be restrained only by the minimal standards of post-verdict review that have, according to this and earlier LDRC studies, so often failed to reduce clearly excessive awards and that always come too late in the process to avoid the chilling effects that inexorably flow from huge initial awards even when they are ultimately reversed or reduced in subsequent proceedings.

2. Public Plaintiffs and The Unprotective Actual Malice Rule at Trial.

The latest LDRC figures reconfirm the media's longstanding poor record in libel trials before juries. Both for the decade, and for the latest two-year period, media defendants won only roughly one in four libel verdicts. Notably, given the intention of Sullivan to provide greater protection from suits by public plaintiffs, the LDRC figures show identifiable public plaintiffs actually winning their trials with slightly greater frequency than private plaintiffs (67.1% to 65.5%) (Table I-D). Moreover, although the average damage award during the past decade did reflect a greater financial solicitude by juries for injuries to private plaintiffs, for the past two years, public plaintiffs were awarded on average nearly five times as much in overall (composite) damages as private plaintiffs and three times as much in punitive awards. (Table II-E) It is true, on the other hand, that when actual malice as opposed to negligence was the identifiably dispositive issue, media defendants' overall trial win rate was higher to some extent -- a win rate of 35.8% vs. 26.8% for the prior decade and of 34.9% vs. 29.8% for the entire 12-year period (Table I-E). Nonetheless, even this somewhat favorable trend was reversed in the 1990-91 period with actual malice trials being won only 26.7% of the time vs. a 46.2% win rate for identifiable negligence cases. Ultimately, whether one considers 35% or 36% long-term win rates, or the depressed 27% rate for the most recent period, it is clear that this is hardly a track record which suggests that the actual malice rule has operated at trial as a rational and effective method for identifying and separating out solely the truly egregious cases of intentional or reckless conduct for sanction under the Sullivan rule, while otherwise protecting the legitimate First Amendment activities of a free press.

3. Private Plaintiffs and the Problem with "Negligence" as a Protective Fault Standard.

While media defendants litigating with private plaintiffs thus actually fare somewhat better at trial than with public plaintiffs or than might be expected under the theoretically less protective negligence standard, the deficiencies of that lesser standard are

placed in stark relief when considered in terms of post-trial and appellate relief. Thus, as indicated in the note to Table III-A-1, when defendants make post-trial motions for judgment notwithstanding the verdict, a significant disparity is evidenced between the effectiveness of the actual malice rule, and the inability or unwillingness of trial judges to disturb verdicts based on a finding of negligent publication. Thus out of a composite total of 29 post-trial motions where actual malice was the governing fault standard, 16 such motions were granted, or a success rate of 55.2%. In contrast, none of the 15 known post-trial motions in negligence cases, were granted. A similar disparity is found on appeal. Thus, overall, of the 79 reversals in favor of defendants 53 (67.1%) were in cases governed by the actual malice standard, while only 17 (21.5%) were governed by a negligence standard. (See Note to Table III-B-1) A closer look at the appellate decisions reversing judgments based on findings of negligence reveals that in almost every case the basis for the reversals was a ground other than an appellate ruling that negligence had not been sufficiently proven. Indeed, the only case identified where the appellate court expressed serious reservations about the negligence finding was Lansdowne v. Beacon Journal Publishing, 512 N.E.2d 979, 14 Med. L. Rptr. 1801 (Ohio 1987). However, rather than squarely reverse on a finding of no negligence, the Court chose instead to hold that thereafter, negligence in a libel action under Ohio law must be proven by "clear and convincing" evidence, rather than by merely a preponderance of the evidence. Absent such a heightened standard it is apparent from the LDRC data that effective appellate review from a finding of negligence is almost impossible. This conclusion is also consistent with prior LDRC reports -- see LDRC Bulletin No. 6 at 42-43; Bulletin No. 11 at 21; Bulletin No. 21 at 24.

B. Methodology

1. Gathering the Data. As in the past, data for this study has been culled from numerous sources -- legal opinions and news notes in the Media Law Reporter, state and federal case reporters, computer research services, trade publications, local and national newspapers, providers of media insurance and LDRC's broad-network of libel attorneys across the country. Although LDRC has striven to report all pertinent developments, it is unlikely that even these concerted efforts have identified every media libel trial held during the relevant periods. It is nonetheless believed that LDRC's findings are reasonably fair and comprehensive. LDRC is particularly grateful to the various attorneys who have kept it informed, especially those who provided follow-up information on cases which initially were tried during the 1980's. Subscribers are encouraged to continue to report to LDRC the results of any trials in which they are involved.

2. Recompilation of 1980's Data. LDRC previously published or prepared case lists covering trials throughout the 1980's in two year increments (See LDRC Bulletin No. 4 (Part 1), Bulletin No. 11, Bulletin No. 21 and LDRC press releases dated August 23, 1989, and September 21, 1991). The September 1991 press release summarized data from 1980-1990 and 1989-1990. For the current Bulletin it was determined that such figures should be restated for the full decade of the 1980's and then expanded to cover the next two-year period beginning January 1, 1990. Extensive efforts were made to update each case previously included in LDRC studies (see ¶1, above) so that the case list published herein is not simply a merger of previously published lists. Thus any differences between the "decade" statistics reported here for 1980-89 and the "1980-90" data reported in the September 1991 press release are due both to a change in the periods aggregated and, to some extent, to the incorporation of supplemental information.

3. "Wins" and Losses"; Settlements; Directed Verdicts. For the purposes of this study, any defamation or related (including privacy, false light, misappropriation and emotional distress claims) case adjudicated to verdict or judgment by a trier of fact (judge or jury) constitutes a trial. Any full retrials of cases previously tried in which judgment was vacated are counted as separate trials. Only cases in which at least one defendant is from the media are included, and only cases in which all defendants win are counted as defense wins. (A case with multiple defendants in which any defendant was found liable is recorded as a plaintiff win.) LDRC does not systematically collect data on the incidence or amounts of settlements, although such statistics are occasionally noted where made available. Statistics regarding judgments finally affirmed do not include settlements. In previous Damage Studies LDRC had reported directed verdicts as "bench trials." In this study these directed verdicts have been more accurately listed as "jury trials" because such cases were initially tried before juries not judges. However, the defendant wins in these cases have been segregated for purposes of analyzing the results of jury determinations, since self-evidently juries in these cases never had an opportunity to render their verdicts.

4. "Averages" and "Medians".

For the first time in its decade of reporting these statistical trends LDRC has undertaken to compute and present "median," as well as "average," damage figures. Because descriptive case lists have been included in LDRC's prior studies it has always been possible to extrapolate such median figures based on the specific damages figures provided. Nonetheless, from time to time thoughtful observers have questioned whether the presentation of averages -- which doubtless do tend to grab the headlines -- may not

misleadingly focus attention on a figure that is arguably unrepresentatively high and that thus does not fairly present the typical results of lost libel verdicts.

Clearly, the recomputed median now derived from LDRC's previously published 1980's data does demonstrate -- as LDRC's prior reports have always in any event expressly acknowledged -- the strong influence of very large awards when damages at lower levels are awarded with greater frequency. It is ironic, however, just as LDRC for the first time had undertaken to present both medians and averages, that the median for the most recent period reported has itself skyrocketed from a relatively modest \$200,000 for the prior decade, to an astonishing \$1.5 million in 1990-91 -- a median that is itself larger than the previous decade-long average. Beyond this curiosity, however, lies a more telling point. For, in the end, the chilling effect -- to avert which Sullivan found it necessary to revolutionize the centuries-old law of libel -- is about risks, not merely probabilities. It provides no particular comfort to a libel defendant or her attorney to know -- despite the largely uncontrollable possibility of the imposition of a jury award into the millions of dollars -- that the mid-range, and thus more typical, verdict will likely fall at some substantially lower level. The chilling effect which flows from the wholly unpredictable possibility of a mega-award thus has two manifestations: a subjective fear of liability that can impact the willingness of a speaker to publish what may attract a hugely costly claim; and also the objective necessity to take much more seriously -- and thus to spend much more money defending -- every libel claim. For these LDRC studies make clear that essentially any libel claim can have a financially devastating outcome of the kind documented herein. In this sense, it could be argued, LDRC's widely-reported presentations of "average" damage awards are themselves also misleading. Indeed, ultimately, it may well be the \$58 million mega-award in Feazell v. A. H. Belo Corp., and the fact that the award was apparently too huge for even an insured major corporate media entity to risk appealing rather than settling -- and not LDRC's merely average award of \$1.5 million or even \$9 million, much less the newly stated medians of \$200,000 or even \$1.5 million -- that is likely to set the agenda for libel plaintiffs, and to define the defensive attitudes of potential media defendants, for the balance of the decade that lies ahead.

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LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Ane v. Miami Herald</u> , 423 So.2d 376 (Fla. Dist. Ct. App. 3rd 1982)	jury/plaintiff	\$ 5,000 publisher <u>10,000</u> author \$15,000 total	private figure/ newspaper/negligence	---	<u>Aff'd</u> , 10 Med. L. Rprr. 2383 (Fla. 1984)
<u>Ashburne v. Raystar Films</u> , (Cal. Super. Ct. 1985)	jury/plaintiff	\$500,000 comp.	public figure/film company/actual malice	---	---
<u>Ayers v. Des Moines Register</u> , 9 Med. L. Rprr. 1401 (Iowa Dist. Ct. 1983)	judge/defendant	---	public figure/ newspaper/actual malice	---	---
<u>Ball v. E.W. Scripps</u> , (Ky. Dist. Ct. 11/20/85)	jury/plaintiff	\$175,000 comp.	public official/ newspaper/actual malice	---	<u>Rev'd</u> , 14 Med. L. Rprr. 1693 (Ky. Ct. App. 1987), <u>reinstated</u> , 801 S.W.2d 684, 18 Med. L. Rprr. 1545 (Ky. 1990), <u>cert.</u> <u>denied</u> , 111 S.Ct. 1622 (1991)
<u>Bartimo v. Horsemen's Benevolent Protective Ass'n</u> , 592 F.Supp. 1526 (W.D. La. 1984)	judge/defendant	---	public figure/trade journal/actual malice	---	<u>Aff'd</u> , 771 F.2d 894, 12 Med. L. Rprr. 1567 (5th Cir. 1985), <u>cert.</u> <u>denied</u> , 106 S. Ct. 1635 (1986)

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Beamer v. Nishiki,</u> (Haw. Cir. Ct.)	jury/plaintiff	\$35,000 gen.	public figure/ newspaper/actual malice		<u>Rev'd and remanded,</u> 670 P.2d 1264, 10 Med. L. Rptr. 1171 (Haw. 1983)
<u>Beckham v. Sun News,</u> (S.C. 1986)	jury/plaintiff	\$1 mil. comp. <u>2.5 mil. pun.</u> \$3.5 mil. total	public official/ newspaper/actual malice	pun. damages reduced to \$1 mil., comp. damages <u>aff'd</u>	<u>Rev'd and remanded,</u> 344 S.E.2d 603, 12 Med. L. Rptr. 2196 (S.C. 1986), <u>cert.</u> <u>denied</u> , 111 S.Ct. 1622 (1991)
<u>Benjamin v. Cowles Publishing Co.,</u> (Wash. Super. Ct. Spokane 1982)	jury/plaintiff	\$219,000 ++	**/newspaper/*	JNOV granted	<u>Aff'd</u> , 684 P.2d 739, 10 Med. L. Rptr. 1970 (Wash. Ct. App. 1984)
<u>Bloch v. Mountaineer Publishing Co.,</u> (Va. Cir. Ct. 1982) No. 811559	jury/plaintiff	\$150,000 comp.	public figure/ newspaper/actual malice	JNOV granted	<u>Aff'd</u>
<u>Blue Ridge Bank v. Veribanc, Inc.,</u> (W.D. Va. 1988)	jury/plaintiff	\$600,000 comp.	public figure/"call reports"/actual malice	---	<u>Aff'd</u> , 866 F.2d 681, 16 Med. L. Rptr. 1123 (4th Cir. 1989); out-of court settlement followed appeal

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Boddie v. ABC</u> , <u>Boddie I</u> : (N.D. Ohio 5/82) No. C80-675A <u>Boddie II</u> : 694 F.Supp. 1304 (N.D. Ohio 1988)	<u>Boddie I/II</u> : jury/defendants (false light, privacy, wiretap statute)		limited public/ television/ actual malice	---	<u>Boddie I</u> : <u>rev'd</u> <u>and remanded</u> , 731 F.2d 333, 10 Med. L. Rptr. (6th Cir. 1984), <u>Boddie II</u> : <u>aff'd</u> , 881 F.2d 267 (6th Cir. 1989), <u>cert.</u> <u>denied</u> , 110 S.Ct. 737 (1990)
<u>Bonar v. Heth</u> , (Cal. 9/17/80)	jury/plaintiff	\$ 1,350 spec. 17,500 gen. <u>10,000</u> pun. \$28,850 total	public/ newspaper/ actual malice	reduced to: \$ 1,200 spec. 4,800 gen. <u>4,000</u> pun. \$10,000 total	Trial Judge's damage reduction <u>rev'd</u> and jury award <u>reinstated</u> except for elimination of special damages, 10 Med. L. Rptr. 1057 (Cal. Ct. App. 1st Div. 1983)
<u>Bose v. Consumers Union</u> , 508 F. Supp. 1249, 7 Med. Rptr. 1069 (liability); 529 F. Supp. 359, 7 Med. 2481 (damages) (D. Mass. 1981)	judge/plaintiff	\$115,296 comp.	public figure/ magazine/actual malice	---	<u>Rev'd</u> , 692 F.2d 189, 8 Med. L. Rptr. 2391 (1st Cir. 1982), <u>aff'd</u> , 466 U.S. 485, 10 Med. L. Rptr. 1625 (1984)

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Boswell v. Phoenix Newspapers, Inc.</u> , (Ariz. Super. Ct. Maricopa County) No. 366121	jury/defendant	---	private figure/ newspaper/ negligence	---	<u>Rev'd and remanded</u> , 730 P.2d 178, 13 Med. L. Rptr. 1785 (Ariz. App. 1985), <u>aff'd</u> , 730 P.2d 186 (Ariz. App. Ct. 1985) (en banc)
<u>Bowers v. Loveland Publishing Co.</u> , (Colo. 1988)	jury/defendant (directed verdict)		private figure/ newspaper/ actual malice	---	<u>Aff'd</u> , 773 P.2d 595, 15 Med. L. Rptr. 2839 (Colo. Ct. App. 1988)
Boyles v. Mid-Florida Television, (Orland, Fla., 1986)	jury/plaintiff	\$200,000 comp.	private figure/ television/ negligence	---	<u>Aff'd</u>
Braun v. Flynt, (W.D. Tex. 1984)	jury/plaintiff	\$20,000 comp. <u>75,000</u> pun. \$95,000 total	private figure/ magazine/*	---	<u>Vacated and remanded</u> , 726 F.2d 245, 10 Med. L. Rptr. 1497 (5th Cir. 1984), <u>reh'g.</u> <u>denied</u> , 731 F.2d 1205 (5th Cir. 1984, <u>cert.</u> <u>denied</u> , 469 U.S. 883 (1984)
<u>Brooks v. Paige</u> , 12 Med. L. Rptr. 2353 (Colo. Dist. Ct. 1986)	jury/defendant (directed verdict), (libel, and emotional distress)	---	public figure/ television/ actual malice	---	<u>Aff'd</u> , 773 P.2d 1098, 15 Med. L. Rptr. 2353 (Colo. Ct. App. 1988)

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Brown v. K.N.D. Corp.</u> , (Conn. 1986)	judge/defendant	---	public official/ radio/actual malice	---	<u>Rev'd and remanded</u> , 509 A.2d 5331, 12 Med. L. Rptr. 2201 (Conn. App. Ct. 1986), <u>rev'd</u> , 529 A.2d 1212, 14 Med. L. Rptr. 1757 (Conn. 1987)
<u>Brown & Williamson v. Jacobson</u> , 644 F. Supp. 1240, 13 Med. L. Rptr. 1263 (N.D. Ill. 1986)	jury/plaintiff	\$3 mil. comp. <u>2.05 mil.</u> pun. \$5.05 mil. total	public figure/ television/ actual malice	comp. damages reduced to \$1	Pun. damages <u>aff'd</u> , comp. damages raised from trial judge's order to \$1,000,000, 827 F.2d 1119, 14 Med. L. Rptr. 1497 (7th Cir. 1987), <u>cert. denied</u> , 485 U.S. 993 (1988)
<u>Burnett v. National Enquirer</u> , 7 Med. L. Rptr. 1321 (Cal. Super. Ct., L.A. County, 1981)	jury/plaintiff	\$ 300,000 comp. <u>1,300,000</u> pun. \$1,600,000 total	public figure/ newspaper/ actual malice	reduced to: \$ 50,000 comp. <u>750,000</u> pun. \$800,000 total	Liability <u>aff'd</u> , pun. damages re- duced to \$150,000, 193 Cal. Rptr. 206, 9 Med. L. Rptr. 1921 (Cal. Ct. App. 1983), <u>appeal dismissed</u> , 465 U.S. 1014 (1984)

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Burns v. McGraw Hill Broadcasting Co.,</u> (Colo. 4/78)	jury/plaintiff (privacy)	\$75,000 in general damages for Mrs. Burns, \$25,000 for each of 4 children, \$175,000 total	limited public/ television/ actual malice	reduced to \$25,000 for Mrs. Burns and \$5,000 for each of 4 children, \$45,000 total	Rev'd, 632 P.2d 280, 6 Med. L. Rprr. 2415 (Colo. App. 1980), <u>rev'd</u> <u>and remanded</u> , 659 P.2d 1351, 9 Med. L. Rprr. 1257 (Colo. 1983)
<u>Cape Publications v. Bridges, (Fla. 1982)</u>	jury/plaintiff	\$ 1,000 comp. <u>9,000</u> pun. \$10,000 total	private figure/ newspaper/* negligence	---	Rev'd, 423 So. 2d 426, 8 Med. L. Rprr. 2535 (Fla. Dist. Ct. App. 5th 1982), <u>cert.</u> <u>denied</u> , 464 U.S. 893 (1983)
<u>Cape Publications v. Teri's Health Studio,</u> (Fla. 1980)	jury/plaintiff	\$15,000 comp. <u>2,550</u> pun. \$17,550 total	private/ newspaper/ negligence	---	Rev'd pun. damages (no appeal from compensatory award), 385 So.2d 188, 6 Med L. Rprr. 1789 (Fla. Dist. Ct. App. 1980)
<u>Carol v. Pittsburgh Press, (Wash. County Pa. 1987)</u>	judge/defendant	--	private figure/ newspaper/ actual malice	--	No appeal

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Casper v.</u> <u>Washington Post,</u> 549 F. Supp. 376, 8 Med. L. Rptr. 2370 (E.D. Pa. 1982)	judge/defendant	---	public official/ newspaper/actual malice	---	---
<u>Catafaldo v. Florida</u> <u>Clearing House on</u> <u>Criminal Justice,</u> (Fla. Cir. Ct. Orange County 1983)	judge/defendant	---	public official/ newspaper/actual malice	---	---
<u>Cher v. Forum</u> <u>International Ltd.,</u> 7 Med. L. Rptr. 2593 (C.D. Cal. 1982)	judge/plaintiff (misapprop- riation)	\$100,000 spec. 69,117 gen. 169,117 add'l/ spec. 100,000 pun./ Forum 200,000 pun./ News Group 25,000 pun./ author \$663,234 total	public figure/ magazine/*	---	<u>Aff'd</u> , special damages of \$100,000, general damages of \$69,117, and \$100,000 in pun. damages to come from Penthouse Int'l., but not writer; <u>rev'd</u> , all special, general and punitive dam- ages on part of News Group and writer, 692 F.2d 634, 8 Med. L. Rptr. 2484 (9th Cir. 1982), <u>cert.</u> <u>denied</u> , 462 U.S. 1120 (1982)

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Colbert v. World Publishing</u> , (Okla. Dist. Tulsa County)	jury/plaintiff (false light)	\$65,000 comp.	private figure/ newspaper/ negligence	---	<u>Rev'd</u> , 747 P.2d 286, 14 Med. L. Rprr. 2188 (Okla. 1987)
<u>Cole v. Westinghouse Broadcasting Co.</u> , (Mass. Super. Ct. Suffolk County 1980)	jury/plaintiff	\$100,000++	public/ television/ actual malice	JNOV denied	JNOV <u>rev'd</u> , 435 N.E.2d 1021, 8 Med. L. Rprr. 1828, (Mass. 1982), <u>cert.</u> <u>denied</u> , 459 U.S. 1037 (1982)
<u>Coleman v. Philadelphia Newspapers</u> (C.P. Phila. County 1988)	jury/defendant	---	public official/ newspaper/ actual malice	plaintiff's post-trial motions denied and denial <u>aff'd</u> , 570 A.2d 552, 17 Med. L. Rprr. 2030 (Pa. Super Ct. 1990)	---
<u>Collins v. Storer Communications</u> , (C.P. Cuyahoga County 1987)	jury/defendant	---	private figure/ television/ negligence	---	<u>Aff'd</u> , 584 N.E.2d 766 (Ohio 1989)

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Connaughton v. Harte-</u> Hanks, (S.D. Ohio 1985)	jury/plaintiff	\$ 5,000 comp. <u>195,000</u> pun. \$200,000 total	public figure/ newspaper/actual malice		<u>Aff'd</u> , 842 F.2d 825, 14 Med. L. Rptr. 2209 (6th Cir. 1988), <u>cert.</u> <u>granted</u> , 488 U.S. 907 (1988), <u>aff'd</u> , 491 U.S. 657, 16 Med. L. Rptr. 1881 (1989)
<u>Costello v. Capital</u> <u>Cities Communications,</u> 11 Med. L. Rptr. 1738 (Ill. Cir. Ct. 20th 1985)	judge/plaintiff	\$ 450,000 comp. <u>600,000</u> pun. \$1,050,000 total	public official/ newspaper/actual malice	---	<u>Aff'd</u> , liability, <u>rev'd</u> , pun. damages and reduced comp. damages to \$200,000, 153 Ill. App. 3d 956, 505 N.E.2d 701 (Ill. App. Ct. 1987), <u>rev'd</u> , 532 N.E.2d 790, 15 Med. L. Rptr. 2407 (Ill. 1988)
<u>Cramberg v. Harte-</u> <u>Hanks Communications,</u> (N.M. 1987)	jury/plaintiff (libel, privacy)	\$500 comp.	private figure/ newspaper/negligence	---	No appeal
<u>Crittendon v. Combined</u> <u>Communications,</u> (Okla. Dist. Ct. Cleveland County)	jury/plaintiff	\$555,000 comp. <u>25,000</u> pun. \$580,000 total	private figure/ television/ negligence	---	<u>Rev'd and</u> <u>remanded</u> , 714 P.2d 1026, 12 Med. L. Rptr. 1649 (Okla. 1985)

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Curran v. Philadelphia Inquirer</u> (Del. County Pa. 1984)	jury/plaintiff	\$350,000 comp. <u>450,000</u> pun. \$800,000 total	public official/ newspaper/actual malice	JNOV denied	<u>Rev'd</u> , 546 A.2d 639, 15 Med. L. Rprr. 1745 (Pa. Super. Ct. 1988)
<u>Czuprinski v. Bay City Times</u> , (Mich. 1980)	jury/plaintiff	\$30,000 comp.	**/newspaper/*		<u>Rev'd</u> , 1991
<u>Dalbec v. Gentleman's Companion</u> , (N.D.N.Y.)	jury/plaintiff	\$300,000 comp <u>25,000</u> pun. \$325,000 total	private figure/ magazine/grossly irresponsible	JNOV & new trial denied	<u>Aff'd</u> , 828 F.2d 921, 14 Med. L. Rprr. 1705 (2d Cir. 1987), out-of- court settlement for under \$300,000 after appeal
<u>Dannis v. C & G Publishing Co.</u> , (Mich. Cir. Ct. Macomb County 1989)	jury/plaintiff (directed verdict for defendant***)	\$35,000++	public official/ publisher/ actual malice		<u>Aff'd</u> , 468 N.W.2d 331, 18 Med. L. Rprr. 2271 (Mich. App.) 1991)
<u>Dattner v. Pokoik</u> , (N.Y., Suffolk County S.Ct. 1980)	jury/plaintiff	\$ 35,000 comp./ media 75,000 comp. non-media 35,000 pun./non media <u>\$145,000</u> total	public official/ newspaper/actual malice	---	<u>Rev'd and dismissed</u> media defendant; reduced to \$25,000 comp. and \$12,500 pun. damages for non- media defendant, 7 Med. L. Rprr. 1637 (N.Y. App. Div. 2nd Dept. 1981)

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Dean v. Guard Publishing Co.</u> , (Or. 1985)	jury/defendant (directed verdict) (false light)	--	private figure/ newspaper/ actual malice	---	<u>Rev'd and remanded</u> , 744 P.2d, 1296, 14 Med. L. Rprr. 2100 (Or. Ct. App. 1987)
<u>Deaver v. Hinel</u> , (Perkins County, Neb. 1984)	jury/plaintiff	\$60,000 comp.	public official/ newspaper/actual malice	JNOV denied	<u>Rev'd</u> , 391 N.W.2d 128, 13 Med. L. Rprr. 1219 (Neb. 1986)
<u>DeBerry v. News Publishing Co.</u> , (Ga. Super. Ct. Floyd County)	jury/plaintiff	\$75,000 comp.	public official/ newspaper/actual malice	---	<u>Aff'd, reh'g. denied, cert. denied</u> , 321 S.E. 2d 112 (Ga. Ct. App. 1984), <u>cert. denied</u> , 471 U.S. 1053 (1985)
<u>DeFalco v. Anderson</u> , (N.J. Super. Ct. 1984)	jury/defendant (directed verdict)	---	public figure/ magazine/actual malice	---	<u>Aff'd</u> , 12 Med L. Rprr. 2125 (N.J. Super. Ct. App. Div. 1986)
<u>DeGregorio v. News Printing</u> , (N.J.)	jury/plaintiff	\$25,000 pun.	public official/ newspaper/actual malice	---	<u>Rev'd</u> , 9 Med. L. Rprr. 1045 (N.J. Super. Ct. App. Div. 1982)
<u>DeGregorio v. Time, Inc.</u> , (D. R.I. 1983) Civil 82-0012/B	jury/defendant	---	public figure/ magazine/actual malice	---	---

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>DeLoach v. Beaufort</u> <u>Gazette</u> , (S.C. 1984)	jury/plaintiff (libel, privacy)	\$15,000 comp. <u>25,000</u> pun. \$40,000 total	private figure/ newspaper/actual malice	---	<u>Aff'd</u> , 316 SE 2d 139, 10 Med. L. Rprr. 1733 (S.C. 1984), <u>cert.</u> <u>denied</u> , 469 U.S. 981 (1984)
<u>DeRoburt v. Guam</u> <u>Publications, Inc.</u> (D. Haw. 9/85)	jury/defendant	(plaintiff granted atty's fees)	public official/ newspaper/actual malice	---	<u>Aff'd</u> , (9th Cir.)
<u>Desai v. Hersh</u> , 719 F. Supp. 670, 16 Med. L. Rprr. 2314 (N.D. Ill. 1989)	jury/defendant	---	public figure/ book/actual malice	motion to set aside verdict denied	<u>Aff'd</u> , 954 F.2d 1408 (7th Cir. 1992)
<u>Diaz v. Oakland Tribune</u> , (Cal. 1/25/80)	jury/plaintiff (privacy)	\$250,000 comp./ defendants 500,000 pun./ publisher 25,000 pun./ journalist \$775,000 total	private/ newspaper/ negligence	---	<u>Rev'd</u> , 188 Cal. Rprr. 1121, 9 Med. L. Rprr. 1121, (Cal. Ct. App. 1983)

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Diesen v. Hessberg,</u> (Minn. Dist. Ct. 1988) No. 149375	jury/plaintiff	\$285,000 comp. <u>500,000</u> pun. \$785,000 total	public official/ newspaper/ actual malice	JNOV granted	Jury verdict <u>reinstated</u> , 437 N.W. 2d 705 (Minn. App. 1989), <u>rev'd</u> , 455 N.W. 2d 466, 17 Med. L. Rptr. 1849 (Minn. 1990), <u>cert. denied</u> , 111 S.Ct. 1071 (1991)
<u>DiSalle v. Pittsburgh</u> <u>Post Gazette,</u> (C.P. Wash. County 1988)	jury/plaintiff	\$ 210,000 comp. <u>2,000,000</u> pun. \$2,210,000 total	public official/ newspaper/actual malice	---	<u>Aff'd</u> , 544 A.2d 1345, 15 Med. L. Rptr. 1873 (Pa. Super. Ct. 1989), <u>cert. denied</u> , 109 S.Ct. 3216 (1989)
<u>Dixson v. Ogden</u> <u>Newspapers,</u> (W. Va. Cir. Ct. Ohio County 1988) No. 83-C-427R	jury/plaintiff	\$500,000 comp. <u>50,000</u> pun. \$550,000 total	public official/ newspaper/ actual malice		<u>Rev'd</u> , 416 S.E.2d 237 (W. Va. 1992)

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Dombey v. Phoenix Newspapers, Inc.,</u> (Ariz. Super. Ct. Maricopa County 10/16/91) Cause No. C-402517	jury/plaintiff	\$100,000 comp./ ind. plaintiff 500,000 comp./ <u>corp. plaintiff</u> \$600,000 total	private/newspaper/ negligence	---	<u>Aff'd</u> for ind., <u>rev'd</u> for corp., 708 P.2d 742 (Ariz. Ct. App. (1986), <u>rev'd</u> <u>and remanded</u> for ind. (hold- ing that ind. must be viewed as limited purpose public figure and that actual malice standard applies) and <u>aff'd</u> app. Ct. for corp., (denying damages), 724 P.2d 562 (Ariz. 1986)
<u>Douglass v. Hustler Magazine, Inc.,</u> 607 F. Supp. 816 (N.D. Ill. 1983)	jury/plaintiff	\$1,000,000 act. <u>1,500,000</u> pun. \$2,500,000 total	public figure/ magazine/actual malice	---	<u>Rev'd</u> , 769 F.2d 1128 (7th Cir. 1985), <u>cert.</u> <u>denied</u> , 106 S.Ct. 1489 (1986)
<u>Dunlap v. Philadelphia Newspapers, Inc.,</u> (C.P. Phila. County 1982)	jury/plaintiff	\$100,000 comp. <u>300,000</u> pun. \$400,000 total	public/ newspaper/ actual malice	JNOV denied	<u>Rev'd</u> , 448 A.2d 6, 8 Med. L. Rptr. 1974 (Pa. Super. Ct. 1982), <u>petition for</u> <u>allowance of</u> <u>appeal denied</u> , (Pa. 1982)

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Easter Seal Society v. Playboy Enterprises, Inc.</u> , (La. Civ. Dist. Ct.)	jury/plaintiff (libel, privacy)	\$375,000 comp.	**/television/*	---	<u>Rev'd and dismissed</u> , 530 So. 2d 643, 15 Med. L. Rptr. 2384 (La. Ct. App. 4th 1988)
<u>Edgehill v. Philadelphia Magazine</u> , News Note No. 18 5/31/83- Pa. (C.P. Phila. County 1982)	judge/plaintiff	\$2,000,000 act. <u>5,000,000</u> pun. \$7,000,000 total	private figure/ magazine/negligence	new trial granted	case settled
<u>Embers Supper Club v. Scripps-Howard</u> , (Ohio)	jury/defendant (directed verdict)	---	private figure/ television/ negligence	---	<u>Aff'd</u> , Ohio Ct. App., <u>rev'd and remanded</u> , 457 N.E.2d 1164, 10 Med. L. Rptr. 1729 (Ohio 1984), <u>cert. denied</u> , 467 U.S. 226 (1984)
<u>Embrey v. Holly</u> , (Baltimore City Ct. 1982)	jury/plaintiff	\$25,000 comp. 35,000 pun./ radio station <u>5,000</u> pun./D.J. \$65,000 total	public/radio station and D.J. actual malice		<u>Aff'd</u> liability but <u>rev'd and remanded</u> pun. damages, 429 A.2d 251 (Md. Ct. Sp. App. 1981), <u>rev'd</u> and pun. damages reinstated, 442 A.2d 966, 8 Med. L. Rptr. 1409 (Md. Ct. App. 1982)

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CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Falwell v. Flynt</u> , (W.D. Va. 1985)	jury/plaintiff	\$100,000 comp. <u>100,000</u> pun. \$200,000 total	public figure/ magazine/actual malice	---	<u>Aff'd</u> , 797 F.2d 1270, 13 Med. L. Rprr. 1145 (4th Cir. 1986), <u>reh'g</u> <u>denied</u> , 805 F.2d 484, 13 Med. L. Rprr. 1671 (4th Cir. 1986), <u>cert.</u> <u>granted</u> , 480 U.S. 945 (1987), <u>rev'd</u> <u>sub nom. Hustler</u> <u>Magazine v.</u> <u>Falwell</u> , 485 U.S. 46 (1988)
<u>Ferguson v. Watkins</u> , (Miss. Cir. Ct. Marshall County 1981) No. 8312	jury/plaintiff	\$16,500 comp. (3 plaintiffs)	limited public figures/newspaper actual malice	reduced to \$1 for each plaintiff	On plaintiff's appeal of award of only nominal damages, <u>aff'd</u> , 448 So.2d 271 (Miss. 1984) (no cross appeal by defendants)
<u>Fitzpatrick v.</u> <u>Philadelphia Newspapers</u> , (C.P. Phila. County 1988)	jury/defendant	---	public official/ newspaper/ actual malice	plaintiff's post-trial motion denied	<u>Aff'd</u> , 567 A.2d 684, 17 Med. L. Rprr. 1210 (Pa. Super 1989), <u>appeal denied</u> , 577 A.2d 890 (Pa. 1990)

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CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Fleming v. Gadsden County Times</u> , (Fla. 1988)	jury/plaintiff	\$1,600,000 comp.	private figure/ newspaper/ negligence		Case settled
<u>Fletcher v. San Jose Mercury News</u> , (Cal. Super Ct. Santa Clara County)	jury/plaintiff	\$ 250,000 gen. 25,000 spec. <u>735,000</u> pun. \$1,010,000 total	public official/ newspaper/ actual malice	JNOV granted	<u>Aff'd</u> JNOV, 264 Cal. Rptr. 699, 17 Med. L. Rptr. 1321 (Cal. App. 6th 1989), <u>cert. denied</u> , 111 S.Ct. 51 (1990)
<u>Flores v. KSDQ</u> , (Cal. 1986)	jury/plaintiff (slander)	\$200,000 comp. <u>700,000</u> pun. \$900,000 total	private figure/ radio/negligence	remitted to \$545,000 total	<u>Rev'd</u>
<u>Florida Star v. B.J.F.</u> , (Fla. Cir. Ct. Duval County 1984)	jury/plaintiff (directed verdict)	\$ 75,000 comp. <u>25,000</u> pun. \$100,000 total	private figure/ newspaper/ negligence per se		<u>Aff'd</u> , 499 So.2d 88 (Fla. Dist. Ct. App. 1986), <u>rev'd</u> 491 U.S. 524, 16 Med. L. Rptr. 1801 (1989)
<u>Fred-Frederick Chrysler-Plymouth v. WJLA, Inc.</u> , (D. Md. 8/31/82) Civil Action No. 481-3151	jury/defendant	---	**/television/*	---	---

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CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Freeman v. Florida Star,</u> (Jacksonville, Fla. 1985)	jury/plaintiff	\$ 75,000 comp. <u>25,000</u> pun. \$100,000 total	public figure/ newspaper/negligence	---	<u>Aff'd</u>
<u>Frisk v. News Co.,</u> (C.P. Lawrence County 1984)	jury/plaintiff	\$500,000 comp. <u>350,000</u> pun. \$850,000 total	public figure/ newspaper/actual malice	---	Liability <u>aff'd</u> , pun. damages reduced to \$50,000, 523 A.2d 34, 13 Med. L. Rptr. 1835 (Pa. Super Ct. 1986)
<u>Gagnon v. Orinsky Falls Union Free School District,</u> (N.Y. Sup. 1985)	jury/plaintiff	\$ 1 comp. <u>10,000</u> pun. \$10,001 total	private figure/ newspaper/ negligence	---	---
<u>Galloway v. CBS, Inc.,</u> (Cal. Super. Ct., L.A. County 1984) No. C.345900	jury/defendant	---	private figure/ television/ reckless disregard	---	<u>Aff'd</u> , 14 Med. L. Rptr. 1161 (Cal. Ct. App 2nd 1987)
<u>Gaynes v. Allen,</u> (Mich. Cir. Ct. Wayne County)	jury/defendant (directed verdict)	---	private figure/ newspaper/actual malice	---	<u>Aff'd</u> , 339 N.W. 2d 678, 10 Med. L. Rptr. 1178 (Mich. Ct. App. 1983)
<u>Geisler v. ABC,</u> (D.D.C. 3/6/84) No. 82-3692	jury/defendant	---	private figure/ television/ negligence	motion for new trial denied	---
<u>Geoghegan v. Mississippi Publishing Co.,</u> (I) (Miss. Cir. Ct. Hinds County 1984) No. 29600	jury/plaintiff	\$30,000 comp.	public official/ newspaper/actual malice	trial judge ordered new trial	---

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CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Hunter v. Southeastern Newspapers Corp.</u> , (S.D. Ga. 1984) Civil Action CV 181-150	jury/defendant	---	private figure/ newspaper/ negligence	---	---
<u>International Security Group, Inc. v. Outlet Co.</u> , (Tex. Dist. Ct. Bexar County) No. 79-CI-10293	jury/plaintiff	\$ 600,000 act. 1,000,000 pun. \$1,600,000 total	**/television/*	motions denied	<u>Aff'd</u> on condition of remititur of \$750,000, (approx. 1/2 to come from act. damages and 1/2 to come from pun. damages), 693 S.W.2d 621 (1985)
<u>Jones v. Sun Publishing Co.</u> , (S.C. 1982)	jury/plaintiff	\$35,000 act.	public/ newspaper/ actual malice	JNOV granted	<u>Rev'd</u> , 292 S.E. 2d 23, 8 Med. L. Rptr. 1388 (S.C. 1982) (holding that plaintiff was not a public figure within the confines of <u>Gertz</u>)
<u>Kaelin v. Banger Pub. Co.</u> , (Me. 1988)	jury/defendant	---	private figure/ newspaper/ negligence	---	No appeal

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CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Himango v. Prime Time Broadcasting</u> , (Wash. Snohomish County 1981) No. 80-2-02782-2	jury/plaintiff	\$250,000 gen.	public official/ radio station/ actual malice	reduced to: \$70,000	<u>Aff'd</u> , 680 P.2d 432, 10 Med. L. Rprr. 1724 (Wash. Ct. App. 1981), <u>review</u> <u>denied</u> , 102 Wash. 2d 1004 (1984)
<u>Hodgins v. Times Herald Co.</u> , (Mich. Cir. Ct. 1986)	jury/plaintiff	\$130,000 comp. <u>70,000</u> pun. \$200,000 total	private figure/ newspaper/negligence	JNOV denied	<u>Aff'd</u> , 425 N.W.2d 522, 15 Med. L. Rprr. 1777 (Mich. Ct. App. 1988)
<u>Holding v. Muncie Newspapers</u> , (Henry County, Ind. 1984) No. 78-C-417	jury/defendant	---	private figure/ newspaper/*	---	---
<u>Horvath v. Astabula Telegraph</u> , (C.P. Lake County 11/14/80)	jury/plaintiff	\$150,000 act.	limited public newspaper/ actual malice	---	<u>Rev'd</u> , 8 Med. L. Rprr. 1657 (Ohio Ct. App. 1982)
<u>Hunt v. Liberty Lobby I</u> , (S.D. Fla. 12/81) No. 80-1121- Civ.-JWK	jury/plaintiff	\$100,000 comp. <u>550,000</u> pun. \$650,000 total	public figure/ newspaper/ actual malice	---	Liability <u>aff'd</u> , <u>rev'd and remanded</u> , on issue of pun. damages, 720 F.2d 631, 10 Med. L. Rprr. 1097 (11th Cir. 1983)
<u>Hunt v. Liberty Lobby II</u> , (D. Fla. 1985)	jury/defendant	---	public figure/ newspaper/actual malice	---	<u>Aff'd</u> , 824 F.2d 916 (11th Cir. 1987)

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CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>KARK-TV v. Simon</u> , (Ark. 1983)	jury/plaintiff	\$12,500 each plaintiff, \$25,000 total	private figure/ television/ negligence	---	<u>Rev'd. and remanded</u> , 656 S.W.2d 702, 10 Med. L. Rptr. 1049 (Ark. 1983)
<u>Kassel v. Gannett Co.</u> , (N.H. Dist. Ct. 1988)	jury/plaintiff	\$300,000 comp.	private figure/ newspaper/ negligence	JNOV and new trial denied	<u>Aff'd</u> liability, <u>rev'd</u> damages and <u>remanded</u> for new trial on that issue, 875 F.2d 935, 16 Med. L. Rptr. 1814 (1st Cir. 1989)
<u>Keane v. Gannett</u> , 12 Med. L. Rptr. 2252 (D. Haw. 1986)	jury/defendant --- (directed verdict)	---	public figure/ newspaper/actual malice	---	---
<u>Keeton v. Huster Magazine</u> , (D. N.H. 1986)	jury/plaintiff	\$2,000,000 "enhanced" comp. damages	public figure/ magazine/actual malice	---	---
<u>Kerr v. El Paso Times</u> , (Tex. 1984)	jury/plaintiff	\$ 500,000 comp. <u>3,000,000</u> pun. \$3,500,000 total	public official/ newspaper/ actual malice	reduced to: \$100,000 comp. <u>500,000</u> pun. \$600,000 total	<u>Rev'd</u> , 706 S.W. 2d 797, 13 Med. L. Rptr. 1049 (Tex. Ct. App. 1986)

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CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>King v. Globe Newspaper Co.</u> , 12 Med. L. Rptr. 2361 (Mass. Super Ct. 1986)	jury/defendant	---	public official/ newspaper/ actual malice	---	<u>Aff'd</u> , with regard to 10 of 12 counts of libel and <u>rev'd</u> , and <u>remanded</u> with regard to the other 2, 512 N.E.2d 241, 14 Med. L. Rptr. 1881 (Mass. 1987), <u>cert. denied</u> , 485 U.S. 962 (1988)
<u>Klimecki v. C.G. Publishing Co.</u> , (Macomb County Court, Mich. 1988)	jury/plaintiff	\$35,000 comp.	public official newspaper/actual malice	JNOV granted	<u>Aff'd</u> , 468 N.W.2d 331 (1991)
<u>Kohn v. West Hawaii Today</u> , (Haw. 1982)	jury/plaintiff	\$35,000 spec. 40,000 gen. \$75,000 total	private figure/ newspaper/ negligence	---	<u>Aff'd</u> , 656 P.2d 79, 9 Med. L. Rptr. 1238 (Haw. 1982)
<u>Kuhn v. Tribune-Republican Publishing Co.</u> , (Colo. Dist. Ct. Weld County)	jury/plaintiff	\$53,000 act. 16,500 pun. \$69,500 total	public official/ newspaper/ actual malice	---	<u>Rev'd and dismissed</u> , 4 Med. L. Rptr. 2439 (Colo. Ct. App. 1979), jury verdict <u>reinstated</u> , 637 P.2d 315, 7 Med. L. Rptr. 2137 (Colo. 1981)

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<u>Lakian v. Boston Globe</u> , (Mass. Super. Ct. 1985)	jury/defendant	---	public figure/ newspaper/actual malice	---	<u>Aff'd</u> , 504 N.E.2d 1046, 13 Med. L. Rprr. 2368 (Mass. 1987)
<u>Lal v. CBS</u> , 551 F. Supp. 356, 9 Med. L. Rprr. 1112 (E.D. Pa. 1982)	jury/defendant (directed verdict)	---	**/television/*	---	<u>Aff'd</u> , 726 F.2d 97, 10 Med. L. Rprr. 1276 (3rd Cir. 1984)
<u>Lansdowne v. Beacon Journal Publishing I</u> , (C.P. Summit County 1985)	jury/plaintiff	\$7,500 comp.	private figure/ newspaper/ negligence	JNOV and new trial denied	<u>Aff'd</u> , (Ohio. Ct. App. 1986), <u>rev'd</u> <u>and remanded</u> , 512 N.E.2d 979, 14 Med. L. Rprr. 1801 (Ohio 1987)
<u>Lansdowne v. Beacon Journal Publishing Co. II</u> , (C.P. Summit County 1988)	jury/plaintiff	\$30,000 act.	private/ newspaper/ negligence	JNOV, directed verdict, and remittitur denied	<u>Aff'd</u> , 1989 WL 11798 (Ohio App. Ct. 1989)
<u>LaRouche v. NBC</u> , (S.D. Va. 1984)	jury/defendant	---	public official/ television/actual malice	---	<u>Aff'd</u> , 780 F.2d 1134, 12 Med. L. Rprr. 1585 (4th Cir. 1986)

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<u>Lasky v. ABC</u> , (S.D.N.Y. 1988)	jury/defendant	---	public figure/ television/actual malice	---	No appeal
<u>Lawrence v. Bauer Publishing and Printing</u> , (N.J.)	jury/plaintiff	\$22,500 act.	public figure/ newspaper/actual malice	---	Rev'd, 446 A.2d 469, 8 Med. L. Rprr. 1536 (N.J. 1982), <u>cert.</u> <u>denied</u> , 459 U.S. 999, 8 Med. L. Rprr. 2454 (1982)
<u>Lechtner v. Brownyard</u> , (W.D. Pa. 1981)	jury/plaintiff	\$2,000 act. 3,000 pun. <u>500</u> FCC' vio. \$5,500 total	**radio/**	JNOV denied, 552 F.Supp. 675, 7 Med. L. Rprr. 2377 (W.D. Pa. 1981)	Rev'd and <u>dismissed</u> , 679 F.Supp. 322, 8 Med. L. Rprr. 1788 (3rd Cir. 1982)
<u>Lee v. Dong-A-Ilbo</u> , (E.D. Va. 1989) Civ. Action #86-958A	jury/plaintiff	six defendants awarded \$15,000 comp. each, \$90,000 total	private figure/ newspaper/ negligence	JNOV/new trial denied	No appeal
<u>Lee v. Gulf Publishing</u> , (Harrison County, Miss., 9/18/80) No. 16, 345	jury/plaintiff	\$200,000 act. <u>100,000</u> pun. \$300,000 total	public official/ newspaper/ actual malice	---	Rev'd, 434 So.2d 687 (Miss. 1983)
<u>Lehman v. Adweek</u> , (N.Y. County S.Ct. 1987)	jury/defendant	---	private figure/ magazine/gross irresponsibility	---	No appeal

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CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Lerman v. Flynt Distributing, Co.,</u> (S.D.N.Y. 1983) (HFW) 81 Civ. 2281 (See also, <u>Lerman v. Chuckleberry Publishing, Inc.,</u> 496 F. Supp. 1105 (S.D.N.Y. 1980) and 521 F. Supp. 228 (S.D.N.Y. 1981))	jury/plaintiff (privacy)	\$ 7 mil. act. <u>33 mil.</u> pun. \$40 mil. total	private figure/ magazine/*	pun. damages reduced to: \$3,000,000	<u>Rev'd</u> , 745 F.2d 123, 10 Med. L. Rprr. 2497 (2nd Cir. 1984) <u>cert.</u> <u>denied</u> , 471 U.S. 1054 (1985)
<u>Levine v. CMP Publications, Inc.,</u> (N.D. Texas)	jury/plaintiff	\$1,000,000 act. <u>500,000</u> pun. \$1,500,000 total	private figure/ newspaper/*	remitted to: \$200,000 act. <u>100,000</u> pun. \$300,000 total	Act. damages <u>aff'd</u> , pun. damages <u>rev'd</u> , 738 F.2d 660 (5th Cir. 1984), <u>reh'g denied</u> , 753 F.2d 1341 (5th Cir. 1985)
<u>Lewis v. Port Packet Corp.,</u> (Va. Cir. Ct. Alexandria, At-Law 6692, 12/2/82)	jury/plaintiff	\$ 50,000 act. <u>100,000</u> pun. \$150,000 total	private figure/ newspaper/ negligence	---	Act. damages <u>aff'd</u> , pun. damages <u>rev'd</u> , 325 S.E.2d 713 (Va. 1985), <u>cert.</u> <u>denied</u> , 473 U.S. 905 (1985)
<u>Lexington Herald Leader v. Graves,</u> (Ky. Cir. Ct. Fayette)	jury/plaintiff	\$100,000 act.	public official/ newspaper/actual malice	---	<u>Rev'd</u> , 9 Med. L. Rprr. 1065 (Ky. 1982)

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CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Lipscomb v. Richmond News</u> , (Va. Cir. Ct. Richmond)	jury/plaintiff	\$1,000,000 act. 45,000 pun. \$1,045,000 total	public official/ newspaper/actual malice	remitted to: \$100,000	Act. damages <u>aff'd</u> , pun. damages <u>rev'd</u> , 362 S.E.2d 32, 14 Med. L. Rptr. 1953 (Va. 1987), <u>cert. denied</u> , 486 U.S. 1023 (1988)
<u>Liquori v. Republican Co.</u> , (Mass.)	jury/plaintiff	\$60,000 act.	private/ newspaper/ negligence	JNOV denied	<u>Aff'd</u> , 396 N.E. 2d 726, 5 Med. L. Rptr. 2180 (Mass App. Ct. 1979)
<u>Little v. ABC</u> , (Cal. 1987)	jury/defendant (slander)	---	public figure/ television actual malice	---	---
<u>Little Rock Newspapers v. Dodrill</u> , (Ark.)	jury/plaintiff	\$40,000 mental anguish	private figure/ newspaper/ negligence	---	<u>Rev'd</u> , 660 S.W.2d 933, 10 Med. L. Rptr. 1063 (Ark. 1983)
<u>Locricchio v. Evening News Association</u> , (Mich. Cir. Ct. Wayne County 9/4/85)	jury/plaintiff	\$3,000,000 comp.	public figure/ newspaper/actual malice	JNOV granted, 13 Med. L. Rev. 2016 (Mich. Cir. Ct. Wayne County 1986)	<u>Rev'd</u> , 16 Med. L. Rptr. 1473 (Mich.) Ct. App. 1989), <u>rev'd</u> , 20 Med. L. Rptr 1065 (Mich. 1992), <u>cert.</u> <u>denied</u> , 60 U.S.L.W. 3598 (1992)

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CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Lovitt and Nash</u> <u>v. Hustler</u> , 9 Med. L. Rprr. (News Note No. 35) (Ind. Cir. Ct. Wash. County 1983)	jury/defendant	---	private figure/ magazine/actual malice	---	---
<u>Lussier v. Woonsocket</u> <u>Call</u> , (D. Mass 1988)	jury/plaintiff	\$10,000 comp.	private figure/ newspaper/ negligence	JNOV denied	No appeal
<u>Machleder v. Diaz</u> <u>Publishing</u> , 538 F. Supp. 1364 (S.D.N.Y. 1982)	jury/plaintiff	\$ 250,000 comp. <u>1,000,000</u> pun. \$1,250,000 total	private figure/ television/ actual malice	JNOV denied, 618 F.Supp 1367, 12 Med. L. Rprr. 1193 (S.D.N.Y. 1985)	<u>Rev'd</u> , 801 F.2d 46, 13 Med. L. Rprr. 1369 (2d Cir. 1986), <u>cert.</u> <u>denied</u> , 479 U.S. 1088 (1987)
<u>Macon Telegraph</u> <u>v. Elliot</u> , (Ga.)	jury/plaintiff	\$ 50,000 act. <u>150,000</u> pun. \$200,000 total	private figure newspaper/ negligence	---	<u>Aff'd</u> , 302 S.E.2d 692, 9 Med. L. Rprr. 2252 (Ga. Ct. App. 1983), <u>cert.</u> <u>granted</u> , (Ga. 1983) <u>cert.</u> <u>vacated</u> , 309 S.E.2d 142, 9 Med. L. Rprr. 2392 (Ga. 1983)

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Mahoney v. Adirondack Publishing, (N.Y.A.D. 1986)</u>	jury/plaintiff	\$10,000 comp. 5,000 pun. \$15,000 total	public figure/ newspaper/actual malice	---	Liability <u>aff'd</u> , pun. damages <u>rev'd</u> , 509 N.Y.S. 2d 193, 13 Med. L. Rprr. 2061 (N.Y.A.D. 3d Dept. 1986), <u>rev'd</u> and <u>dismissed</u> , 517 NE.2d 1365, 14 Med. L. Rprr. 2200 (N.Y. Ct. App. 1987)
<u>Manuel v. Fort Collins Newspapers, Inc., Manuel I: (Colo. Dist Ct. Larimer County) Manuel II: (Colo. Ct. App.)</u>	<u>Manuel I:</u> jury /plaintiff <u>Manuel II:</u> judge /defendant	<u>Manuel I:</u> \$100,000 comp.	public official/ newspaper/ actual malice	---	<u>Manuel I: Rev'd</u> , 599 P.2d 931, 4 Med. L. Rprr. 2558 (Colo. Ct. App. 1979), <u>rev'd</u> <u>and remanded</u> , 631 P.2d 114, 7 Med. L. Rprr. 1793 (Colo. 1981) <u>Manuel II: rev'd</u> <u>and remanded</u> , 661 P.2d 289 (Colo. 1982)
<u>Marchiando v. Brown, (N.M. Dist. Ct. 1980)</u>	jury/defendant	---	private figure/ newspaper/ negligence	---	<u>Rev'd and remanded</u> , 649 P.2d 462, 8 Med. L. Rprr. 2233 (N.M. 1982), <u>writ</u> <u>quashed</u> , 648 P.2d 794 (N.M. 1982)

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Marcone v. Penthouse</u> , 533 F. Supp. 353, 8 Med. L. Rptr. 1444 (E.D. PA 1982) (denying summary judgment)	jury/plaintiff	\$ 30,000 comp. <u>537,000</u> pun. \$567,000 total	public/ magazine/ actual malice	pun. damages remitted to \$200,000, 577 F.Supp. 318, 10 Med. L. Rptr. 1193 (E.D. Pa. 1983)	<u>Rev'd</u> , 754 F.2d 1072, 11 Med. L. Rptr. 1577 (3rd Cir. 1985), <u>cert.</u> <u>denied</u> , 474 U.S. 864 (1985)
<u>Marino v. CBS</u> , (D. Mo. 1984)	jury/plaintiff	\$5,000 comp.	private figure/ television/ negligence	---	No appeal
<u>Martin v. Wilson Publishing Co.</u> , (R.I. 1982)	jury/defendant	---	public/ newspaper/ actual malice	---	<u>Rev'd and remanded</u> , 497 A.2d 322, 12 Med. L. Rptr. 1049 (R.I. 1985)
<u>Martinez v. Ashland Daily Tidings</u> , 8 Med. L. Rptr. No. 22, News Notes 7/27/82 (Or. Cir. Ct. Jackson County 1982)	jury/defendant (privacy)	---	**/newspaper/*	---	No appeal
<u>Martinez v. Democrat- Herald</u> , (Or.) No. 81-2475-J2	jury/defendant (privacy)	---	private figure/ newspaper/*	---	<u>Aff'd</u> , 669 P.2d 818, 10 Med. L. Rptr. 1340 (Or. Ct. App. 1983)

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Matthews v. Charlottesville Newspapers, Inc.</u> , (Va. Cir. Ct. Charlottesville)	jury/plaintiff	\$25,000 act.	private figure/ newspaper/ negligence	---	<u>Aff'd</u> , 325 S.E.2d 713 (Va. 1985)
<u>McCabe v. Rattiner</u> , (D. R.I.)	jury/defendant (directed verdict)	---	public figure/ newspaper/ actual malice	---	<u>Aff'd</u> , 814 F.2d 839, 13 Med. L. Rptr. 2309 (1st Cir. 1987)
<u>McCarnan v. Rollins Communications Inc.</u> , (Del. 1989)	jury/defendant	---	public official/ radio-D.J./ actual malice	---	---
<u>McCoy v. Hearst Corporation</u> , (Cal. Super. Ct. San Francisco County)	jury/plaintiff	\$1,500,000 comp./ publisher 1,500,000 comp./ reporter 1,500,000 pun./ publisher 60,000 pun./ reporters \$4,560,000 total	public/ newspaper/ actual malice	---	<u>Aff'd</u> , 220 Cal. Rptr. 848, 12 Med. L. Rptr. 1313 (Cal. Ct. App. 1st Dist, Div. 5 1986), <u>rev'd</u> , 727 P.2d 711, 13 Med. L. Rptr. 2169 (Cal. 1986), <u>cert. denied</u> , 481 U.S. 1041 (1987)

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>McHale v. Lake Charles American Press</u> , (La. Dist. Ct. Calcasieu Parish)	judge/plaintiff	\$150,000 comp.	public official/ newspaper/ actual malice	---	<u>Aff'd</u> and <u>amended</u> to include \$25,000 in attorneys fees, 390 So.2d 556, 6 Med. L. Rptr. 2478 (La. Ct. App. 3rd 1980), <u>cert.</u> <u>denied</u> , 452 U.S. 941 (1981) No appeal
<u>McMillian v. K.C. Star Co.</u> , (Mo. Cir. Ct. Jackson County 1987)	jury/defendant	---	public official/ newspaper/ actual malice	---	No appeal
<u>McQuoid v. Springfield Newspapers, Inc.</u> , 502 F. Supp 1050, 6 Med. L. Rptr. 2417 (W.D. Mo. 1980)	judge/defendant	---	public/ newspaper/ actual malice	---	---
<u>Meridian Star v. Williams</u> , jury/plaintiffs (Miss.)		\$40,000 for each plaintiff, \$80,000 total+++	public official newspaper/ actual malice	---	<u>Rev'd</u> , 549 So.2d 1332, 16 Med. L. Rptr. 2446 (Miss. 1989)
<u>Mersman v. Pulitzer Publishing</u> , (St. Louis Cir. Ct., Mo. 1982) No. 792-2639	jury/plaintiff	\$175,000 act. <u>365,000</u> pun. \$540,000 total	**/newspaper/*	---	Settled after judgment was vacated and a new trial was granted
<u>Miami Herald Publishing Co. v. Frank</u> , (Fla. Cir. Ct. Dade County) No. 82-1190	jury/plaintiff	\$30,000 comp.	private figure/ newspaper/ negligence	---	<u>Aff'd</u> , 442 So.2d 982 (Fla. Dist. Ct. App. 3rd 1983), <u>reh'g denied</u> , 467 So.2d 125 (Fla. 1985)

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Michigan Microtech v. Lansing State Journal</u> , (Mich. Cir. Ct. 1988)	jury/plaintiff	\$54,248 comp.	private/ newspaper/ negligence	JNOV denied	<u>Aff'd</u> , 466 N.W.2d 717, 18 Med. L. Rptr. 2131 (Mich. Ct. App. 1991)
<u>Miskovsky v. Oklahoma Publishing Co.</u> , (Okla. Dist. Ct. Cleveland County 5/21/80)	jury/plaintiff	\$ 35,000 act. <u>965,000</u> pun. \$1,000,000 total	public figure/ newspaper/ actual malice	---	<u>Rev'd and dismissed</u> , 654 P.2d 587, 7 Med. L. Rptr. 2607 (Okla. 1982), <u>cert. denied</u> , 459 U.S. 923 (1982)
<u>Moore v. Big Picture</u> , (W.D. Tex. 1984)	jury/plaintiff (false light, misappropriation)	\$31,000 comp. <u>25,000</u> exemp. \$56,000 total	private figure/ film/actual malice	JNOV denied	<u>Rev'd</u> trial ct's refusal to grant defendant JNOV, <u>aff'd</u> comp. damages and <u>vacated</u> exemp. damages, 829 F.2d 270, 14 Med. L. Rptr. 1865 (5th Cir. 1987)
<u>Mr. Chow v. Ste. Jour Azur, S.A.</u> , (S.D.N.Y 1982)	jury/plaintiff	\$20,000 comp. <u>5</u> pun. \$20,005 total	public figure/ book/actual malice	JNOV denied	<u>Rev'd and dismissed</u> , 759 F.2d 219, 11 Med. L. Rptr. 1713 (2d Cir. 1985)
<u>Murray v. Pittsburgh Press</u> , (Pa. C.P. 1989)	jury/plaintiff	\$ 75,000 act. <u>200,000</u> pun. \$275,000 total	public official/ newspaper/ actual malice	---	---

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CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Narula v. Santa Paula Chronicle</u> , (Cal. Super. Ct. Ventura County 12/81) No. 61094	jury/defendant	\$7,800 costs/ plaintiff	**/newspaper/*	---	No appeal
<u>Nevada Indep. Broadcasting Corp. v. Allen</u> , (Nev. S.Ct. 12/80) No. 13469	jury/plaintiff	\$675,000 gen.	public/ television/ actual malice	---	<u>Aff'd</u> , but remitted to \$50,000, 664 P.2d 337, 9 Med. L. Rptr. 1769 (Nev. 1983)
<u>New Testament Missionary Fellowship v. E.P. Dutton</u> , (N.Y. County, 1988)	jury/defendant	--	public figure/ book/actual malice	--	appeal never perfected, non-monetary settlement
<u>Newsom v. Henry</u> , (Miss. Cir. Ct. Coahoma County)	jury/plaintiff	\$2,500 pun.	public figure/ newspaper/ actual malice	---	<u>Aff'd</u> , 10 Med. L. Rptr. 1421 (Miss. 1983), <u>reh'g. denied</u> , 443 So.2d 817 (Miss. 1984)
<u>Newton v. NBC</u> , (D. Nev. 1986) No. CV-LV-81-180 MDC	jury/plaintiff	\$14.2 mil. comp. <u>5.0 mil.</u> pun. \$19.2 mil. total	public figure/ television/ actual malice	remitted to: \$275,000 comp. damages and \$5 mil. pun. damages, 677 F. Supp. 1066, 14 Med. L. Rptr. 1914 (D. Nev. 1987)	<u>Rev'd</u> , 930 F.2d 652 (9th Cir. 1990), <u>cert. denied</u> , 112 S.Ct. 192 (1991)

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CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Norwood v. Soldier of Fortune Magazine</u> , (5th Cir. 1989)	jury/plaintiff	\$9.4 mil.++	private figure/ magazine/gross irrespons.		<u>Rev'd</u>
<u>O'Hara v. Storer Communications</u> , (Cal. Super. Ct. San Diego County 10/31/89) No. 529168	jury/plaintiff (directed verdict)	\$300,000 (special damages only)	private figure/ television/ negligence	remittur, new trial denied	<u>Aff'd</u> (1991 Ca. App. Lexis 730)
<u>Oneida v. Tribune Review Publishing Co.</u> , (C.P. Allegheny County 1989) GD 82-04660	jury/plaintiff	\$100,000 act. <u>100,000</u> pun. \$200,000 total	public concern/ newspaper/ actual malice		Judgment <u>vacated</u> , case <u>remanded</u> , 599 A.2d 230 (Pa. Super. Ct. 1991)
<u>Owens v. CBS</u> , (Ill. Cir. Ct. Madison County 1986) No. 83-L-1047	jury/plaintiff	\$280,000 comp.	private figure/ television/ negligence	JNOV denied	<u>Aff'd</u> , (Ill. App. Ct. 5th Dist. 1987) No. 5-87-0439
<u>Pacella v. Milford Radio Corp.</u> , (Mass. Super. Ct.)	jury/plaintiff	\$15,000 ++	public figure/radio/ actual malice	JNOV granted	JNOV <u>aff'd</u> , 462 N.E.2d 355 (Mass. App. 1984), <u>aff'd</u> <u>by an equally</u> <u>divided court</u> , 476 N.E.2d 595, <u>cert.</u> <u>denied</u> , 474 U.S. 844 (1985)
<u>Padgett v. Sun News</u> , (S.C. 5/79)	jury/plaintiff	\$100,000 act. <u>200,000</u> pun. \$300,000 total	public/ newspaper/ actual malice	---	<u>Rev'd</u> , 292 S.E.2d 30, 8 Med. L. Rprr. 1780 (S.C. 1982)

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Padilla v. Pulitzer,</u> (Albuquerque, N. M. 1987)	jury/defendant (libel/privacy)	---	**/television/ negligence	---	No appeal
<u>Paisley v. Minneapolis Star & Tribune Co.,</u> (Minn. Dist. Ct. Hennepin County 1985)	jury/defendant	---	public official/ newspaper/*	---	---
<u>Parsons v. Sports Illustrated,</u> 10 Med. L. Rptr.____ (News Note No. 23) 1984	jury/defendant	---	public official/ magazine/actual malice	---	---
<u>Peacock v. New York News,</u> (N.Y.A.D. 1st Dept. 1983) No. 18616/79	jury/defendant	---	private figure/ newspaper/*	---	No appeal taken
<u>Peagler v. Phoenix Newspapers, Inc.,</u> (Ariz.)	jury/defendants	---	private figure/ newspaper/ negligence	---	<u>Aff'd</u> , 640 P.2d 1110, 8 Med. L. Rptr. 1209 (Ariz Ct. App. Div. 1 1981)

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CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Peisner v. Detroit Free Press</u> , (Wayne County Cir. Ct. 1978)	jury/plaintiff	\$ 52,000 act./ plaintiff 5,000 act./ plaintiff's wife <u>100,000</u> pun. \$157,000 total	public newspaper/ actual malice	---	<u>Aff'd</u> liability, <u>rev'd and</u> <u>remanded</u> for new trial on damages, 304 N.W. 2d 814, 7 Med. L. Rptr. 1601 (Mich. App. 1981), <u>aff'd</u> as modified, 364 N.W.2d 600 (Mich. 1984) (<u>remand</u> on damages stands, but ct. modified standard for pun. damages)
<u>Pemberton v. Birmingham News</u> , (Ala.)	jury/plaintiff	\$75,000 gen.	public official/ newspaper/actual malice	JNOV granted	<u>Aff'd</u> , 482 So.2d 257, 12 Med. L. Rptr. 1465 (Ala. (1985)
<u>Penn v. Detroit Free Press</u> , (Mich.)	jury/plaintiff	\$266,000 exemp.	public official/ newspaper/actual malice	JNOV granted, damages set aside, 12 Med. L. Rptr. 2129 (Mich. Cir. Ct. 1986)	<u>Aff'd</u> , 15 Med. L. Rptr. 1638 (Mich. Ct. App. 1988)

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CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Pep v. Newsweek</u> , 553 F. Supp. 1000, 9 Med. L. Rptr. 1179 (S.D.N.Y. 1983) (summary judgment denied), <u>see also</u> , 10 Med. L. Rptr. ___ (News Note No. 10) (No. 81 Civ. 1766) 1984	jury/defendant	---	public figure/ magazine/actual malice	---	---
<u>Podiatry Insurance Co of America v. Kane Communications, Inc.</u> , (E.D. Pa., 1988) WL 123218	jury/plaintiff	\$ 300,000 comp. 750,000 pun. \$1,050,000 total	private figure/ magazine/ negligence	remitted to \$300,000	
<u>Poncin v. Arlt</u> , (Minn.)	jury/defendant	---	public figure/ newspaper/ actual malice	---	<u>Aff'd</u> , 428 N.W.2d 485, 16 Med. L. Rptr. 1110 (Minn. Ct. App. 1988)
<u>Postill v. Booth</u> , (Washtenau County, Mich. 5/9/80) No. 78-15194	jury/plaintiffs	\$ 300,000 comp. 700,000 pun. \$1,000,000 total	public/ newspaper/ actual malice	reduced to \$300,000 comp.	<u>Rev'd</u> , 325 N.W.2d 511, 8 Med. L. Rptr. 2222 (Mich. App. 1982)

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CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Pring v. Penthouse International, Ltd.</u> , 6 Med. L. Rptr. 1101 (D. Wyo. 1981) (denying summary judgment)	jury/plaintiff	\$ 1,500,000 act./ publ. magazine/ 25,000,000 pun./ author 10,000 act./ author 25,000 pun./ author \$26,535,000 total	private/ negligence	" pun. damages reduced to: \$12,500,000	<u>Rev'd</u> , 637 F.2d 438 438, 8 Med. L. Rptr. 2409, <u>cert.</u> <u>denied</u> , 462 U.S. 1132 (1983)
<u>Purcell v. Vulcan Press</u> , (Haw. Cir. Ct. 1988)	judge/plaintiff	\$10,414 comp.	public official/ student newspaper/ actual malice	--	--
<u>Rabren v. Straigis</u> , (Fla.)	jury/plaintiff	\$ 18 comp. <u>150,003</u> pun. \$150,021 total	private figure/ newspaper/negligence	---	<u>Rev'd</u> , pun. damages and <u>remanded</u> for new trial on that issue, 498 So.2d 1362, 13 Med. L. Rptr. 2163 (Fla. Dist. Ct. App. 1986)
<u>Ramada Inns, Inc.</u> <u>v. Dow Jones & Co.</u> , (Del. Super. Ct. 1988)	jury/defendant	---	private figure/ newspaper/negligence	---	No appeal

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CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Ranch LaCosta Inc. v. Penthouse International, Ltd.</u> , 8 Med. L. Rptr. No. 21, News Notes (Cal. 5/13/82)	jury/defendants	---	private figures/ magazine/negligence	new trial granted for individual plaintiffs, 8 Med. L. Rptr. 1865 (Cal. Super. Ct 1982)	---
<u>Rayzor v. A.H. Belo Corp.</u> , (Tex. Dist. Ct. Denton County 1980) No. 79-3356-A	jury/plaintiff	\$1 mil. comp. <u>1 mil. pun.</u> \$2 mil. total	public/ newspaper/ actual malice	---	<u>Aff'd</u> , 620 S.W.2d 756 (Tex. Civ. App. 1981), <u>rev'd</u> , 644 S.W.2d 71, 8 Med. L. Rptr. 2425 (Tex. 1982)
<u>Re v. Gannett</u> , (Del. Super. Ct. 1983) No. 81-C-SE-65	jury/plaintiff	\$1,335,000 comp.	private figure/ newspaper/ negligence	JNOV denied	Verdict set aside, new trial granted on issue of damages, 480 A.2d 662, 10 Med. L. Rptr. 2267 (Del. Super. Ct. 1984)
<u>Reed v. Northwestern Publishing Co.</u> , (Ill. Cir. Ct. Vermilion County)	jury/defendant	---	public official/ newspaper/ actual malice	---	<u>Aff'd</u> , 512 N.E.2d 828, 14 Med. L. Rptr. 2069 (Ill. App. Ct. 4th Dist. 1987), <u>aff'd</u> , 530 N.E.2d 474, 15 Med. L. Rptr. 2233 (Ill. 1988)

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CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Reuber v. Food Chemical News</u> , (W.D. Md. 1988)	jury/plaintiff	\$625,000 comp. <u>250,000</u> pun. \$875,000 total	limited public figure/trade newsletter/ actual malice	" JNOV denied	<u>Aff'd</u> , 899 F.2d 271, 17 Med. L. Rprr. 1537 (4th Cir. 1990), <u>reh'g.</u> <u>granted</u> , 922 F.2d 197 (4th Cir. 1990), <u>rev'd and</u> <u>remanded</u> , 925 F.2d 703, 18 Med. L. Rprr. 1689 (4th Cir. 1991) <u>cert.</u> <u>denied</u> , 111 S.Ct. 2814 (1991)
<u>Reveley v. Berg Publications</u> , 601 F. Supp. 44, 11 Med. L. Rprr. 1146 (W.D. Tex. 1984)	jury/plaintiff	\$ 34,000 comp. <u>86,000</u> pun. \$120,000 total	public figure/ newspaper/actual malice	JNOV granted/ damages set aside	---
<u>Rhinehart v. Toledo Blade</u> , (Ohio C.P. Hancock County 1983) No. 42741	judge/defendant		private figure/ newspaper/actual malice	---	---
<u>Rogers v. Doubleday & Co.</u> , (Tex. Dist. Ct. Jefferson County)	jury/plaintiff	\$2,500,000 pun.	public official/ book/actual malice	JNOV granted	<u>Rev'd</u> , 644 S.W.2d 833, 9 Med. L. Rprr. 615 (Tex. Ct. App. 1982), <u>rev'd</u> , 674 S.W.2d 751, 10 Med. L. Rprr. 2173 (Tex. 1984)

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CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Roshto v. Hebert</u> , (La.)	judge/defendant (privacy)	---	private figure/ newspaper/*	---	<u>Rev'd</u> and each plaintiff granted \$35,000 in damages, 413 So.2d 927 (La. Ct. App. 1982), <u>rev'd</u> and reinstated for defendant, 439 So.2d 927, 9 Med. L. Rptr. 2417 (La. 1983)
<u>Rouch v. Enquirer</u> <u>News of Battle Creek</u> , <u>Rouch I</u> : (Mich. Cir. Ct. Calhoun County 1982) <u>Rouch II</u> : (Mich. Cir. Ct. Calhoun County 1988)	<u>Rouch I</u> : jury/defendant <u>Rouch II</u> : jury/plaintiff	<u>Rouch II</u> : \$1,000,000++	private figure/ newspaper/ negligence	<u>Rouch II</u> : Motion for remittitur denied	<u>Rouch I</u> : <u>rev'd</u> <u>and remanded</u> , 357 N.W.2d 794, 11 Med. L. Rptr. 1758 (Mich. Ct. App. 1984), <u>aff'd</u> , 398 N.W.2d 245, 13 Med. L. Rptr. 2201 (Mich. 1986), <u>Rouch II</u> : <u>aff'd</u> , 457 N.W.2d 74, 17 Med. L. Rptr. 2305 (Mich. Ct. App. 1990), <u>Vacated</u> (Mich. 7/15/92) No. 89799)
<u>Ryan v. Herald</u> <u>Association</u> , (Vt. Super. Ct. 1987)	jury/plaintiff "	\$ 1 comp. <u>5,000</u> pun. \$5,001 total	private figure/ newspaper/negligence	JNOV denied	Liability and comp. damages <u>aff'd</u> , pun. damages <u>rev'd</u> , 566 A.2d 1316, 16 Med. L. Rptr. 2472 (Vt. 1989)

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CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Salazar v. El Paso Times</u> , (Tex. Dist. Ct. El Paso County 1986)	jury /defendant	---	public official/ newspaper/actual malice	---	---
<u>Schonberger v. Bangor Publishing</u> , (Me. 3/89)	jury/plaintiff	\$ 50,000 comp. <u>500,000</u> pun. \$550,000 total	public figure/ newspaper/ actual malice	remitted to \$125,000 or new trial ordered by judge	
<u>Schrottman v. Barnicle</u> , 7 Med. L. Rptr. 1487 (Mass. Super. Ct. Suffolk County 1981)	judge/plaintiff (against reporter) judge/defendant (against editor and newspaper)	\$25,000++	private figure/ newspaper, editor and reporter/ negligence	---	Judgment <u>vacated and</u> <u>remanded</u> for findings on negligence standard, 437 N.E.2d 205, 8 Med. L. Rptr. 2068 (Mass. 1982)
<u>Seal v. Birmingham Post Herald</u> , (Ala. Cir. Ct. Madison County 11/25/82) No. CV-81-969Y	jury/defendant	---	public official/ newspaper/actual malice	---	---

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CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Sharon v. Time, Inc.</u> , 575 F.Supp. 1162, 10 Med. L. Rptr. 1146 (S.D.N.Y. 1983)	jury/defendant	---	public official/ magazine/actual malice	---	Settlement (announced 1986) whereby Sharon dropped suit in exchange for an apology and agreement to pay part of his legal fees
<u>Sible v. Lee Enterprises</u> , (Mont. Dist. Ct.)	jury/defendant	---	public official/ newspaper/actual malice	---	<u>Rev'd and remanded</u> , 13 Med. L. Rptr. 1738 (Mont. 1986)
<u>Sibley v. Holyoke Transcript-Telegram</u> , (Mass. 1982)	jury/individual plaintiff	\$30,000 individual plaintiff++	private figures (individual and corporation)/ newspaper/ negligence	JNOV denied, negligence is <u>aff'd</u> , but trial judge enters judgement for defendant who is protected by reporter's privilege, 8 Med. L. Rptr. 2497 (Mass. Super. Ct. 1982)	<u>Aff'd</u> , 461 N.E.2d 823, 10 Med. L. Rptr. 1557 (Mass. 1984)

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CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Siegal v. Booth</u> <u>Newspapers</u> , (Mich. Cir. Ct. Genesee County 1987)	jury/plaintiff	\$ 70,000 comp. <u>200,000</u> pun. \$270,000 total	public official/ newspaper/ actual malice	" motions for new --- trial, remitti- tur and motion to set aside verdict are pending (7/1/92)	
<u>Simonsen v. Malone</u> <u>Evening Telegram</u> , (N.Y. 1983)	jury/defendant		private figure/ newspaper/gross irresponsibility	---	<u>Aff'd</u> , 470 N.Y.S. 2d 898, 10 Med. L. Rprr. 1094 (N.Y. App. Div. 3rd Dept. 1983)
<u>Sisler v. Gannett Co., I</u> , (N.J. Super. Ct. Somerset County 5/27/83) No. L-5628-81; S-8787	jury/plaintiff	\$ 200,000 gen. <u>850,000</u> spec. \$1,050,000 total	private figure/ newspaper/ negligence	trial Ct. dismissed pun. damages.	<u>Aff'd</u> , 489 A.2d 704 (N.J. Super. Ct. App. Div. 1987), <u>rev'd and remanded</u> , 516 A.2d 1083, 13 Med. L. Rprr. 1577 (N.J. 1986)
<u>Speer v. Ottaway</u> <u>Newspapers</u> , 13 Med. L. Rprr. 1731 (W.D. Mo. 1986)	jury/plaintiff	\$100,000 comp. <u>50,000</u> pun. \$150,000 total	public official/ newspaper/actual malice	JNOV granted	<u>Aff'd</u> , 828 F.2d 475, 14 Med. L. Rprr. 1601 (8th Cir. 1987)

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Sprague v. Walter I.</u> , 9 Med. L. Rptr. __ News Notes No. 24, (C.P. Phila. County 9/12/83)	jury/plaintiff	\$1.5 mil. act. \$3 mil. pun. \$4.5 mil. total	public official/ newspaper/actual malice	---	<u>Rev'd and re- manded</u> , 516 A.2d 706, 13 Med. L. Rptr. 1177 (Pa. Super. Ct. 1986), <u>aff'd</u> , 543 A.2d 1078, 15 Med. L. Rptr. 1625 (Pa. 1988), <u>appeal dismissed</u> 488 U.S. 988 (1988)
<u>Stack v.</u> <u>Capital-Gazette</u> <u>Newspapers, Inc.</u> , (Md. Civ. Ct.)	jury/defendant	---	public figure/ newspaper/actual malice	---	<u>Rev'd</u> , 427 A.2d 1066, 7 Med. L. Rptr. 1265 (Md. Ct. Sp. App. 1981), <u>rev'd</u> , 445 A.2d 1038, 8 Med. L. Rptr. 1704 (Md. Ct. App. 1982)
<u>Starnes v. Belleville</u> <u>News Democrat</u> , (St. Clair County, Ill. 1989)	jury/defendant	---	public official/ newspaper/ actual malice	---	---
<u>Stickney v. Chester</u> <u>County Communications</u> , (C.P. Del. County)	jury/plaintiff	\$150,000++	public official/ newspaper/actual malice	---	<u>Aff'd</u> , 522 A.2d 66, 13 Med. L. Rptr. 2192 (Pa. Super. Ct. 1987), <u>appeal denied</u> , 533 A.2d 713 (Pa. 1987)

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Stone v. Banner Publishing Corp.</u> , 677 F. Supp. 242, 15 Med.L. Rptr. 1698 (D. Vt.1988)	judge/plaintiff	\$6,000 comp.	private figure/ newspaper/ negligence	---	---
<u>Straw v. Chase Revel, Inc.</u> , (N.D. Ga.) No. C83-554R	jury/plaintiff	\$ 25,000 comp. <u>100,000</u> pun. \$125,000 total	private figure/ magazine/ negligence	---	Comp. damages <u>aff'd</u> , pun. damages <u>rev'd</u> , 813 F.2d 356, 13 Med. L. Rptr. 2269 (11th Cir. 1987)
<u>Tavoulereas v. Washington Post Co.</u> , (D.D.C. 1982)	jury/plaintiff	\$ 250,000 comp. <u>1,800,000</u> pun. \$2,050,000 total	public figure/ newspaper/ actual malice	JNOV granted, 567 F.Supp. 651, 9 Med. L. Rptr. 1553 (D.D.C. 1983)	JNOV in favor of Washington Post and another defendant <u>rev'd</u> , JNOV in favor of a third defendant <u>aff'd</u> , and case <u>remanded</u> to review post-trial motions regarding damages, 759 F.2d 90, 11 Med. L. Rptr. 1777 (D.C. Cir. 1985), <u>vacated</u> and trial judge's JNOV <u>reinstated</u> , 817 F.2d 762 (D.C. Cir. 1987) (<u>en banc</u>)

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Taylor v. New York Times</u> , (Ala. Cir. Ct. 4/18/89) No. CV-86-314	jury/defendant	---	private figure/ newspaper/ negligence	---	---
<u>Thompson v. Combined Communications Corp.</u> , (Louisville, Ky. 1985)	jury/plaintiff (false light, privacy and libel)	\$2,600,000 comp. 300,000 pun. \$2,900,000 total	limited purpose public figure/ television actual malice	damages reduced to: \$170,000	<u>Rev'd and remanded</u> , (Ky. Ct. App. 8/14/87), <u>modified</u> , (Ky. Ct. App. 12/87)
<u>Times-Mirror Co. v. Harden</u> , (Tex. 12/80)	jury/plaintiff	\$135,000 act. 250,000 pun. \$385,000 total	public official/ newspaper/ actual malice	---	<u>Rev'd</u> , 628 S.W.2d 859, 8 Med. L. 1194 (Tex. Ct. Civ. App. 1982)
<u>Times Publishing Co. v. Huffstetler</u> , (Fla. Cir. Ct. 10/80)	jury/plaintiff	\$10,000 comp. 13,000 pun. \$23,000 total	public official/ newspaper/actual malice	---	<u>Rev'd</u> , 409 So.2d 112, 8 Med. L. Rprr. 1028 (Fla. Dist. Ct. App. 5th Dist. 1982)
<u>Tosti v. Avik</u> , <u>Tosti I</u> : (Mass Super. Ct. Middlesex County) <u>Tosti II</u> : (Mass. Super. Ct. Middlesex County)	<u>Tosti I</u> : jury/plaintiff <u>Tosti II</u> : jury/plaintiff	<u>Tosti I</u> : ++ <u>Tosti II</u> : \$500,000 total	public/ union newspaper/ actual malice	<u>Tosti II</u> : JNOV denied	<u>Tosti I</u> : <u>rev'd</u> <u>and remanded</u> , 437 N.E.2d 1062 (Mass. 1982) <u>Tosti II</u> : <u>aff'd</u> liability but <u>remanded</u> to revise damage award, 476 N.E.2d 928 (Mass. 1985)

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Tribune Co. v. Levin</u> , (Fla.)	jury/plaintiff	\$380,000 comp. <u>250,000</u> pun. \$630,000 total	private figure/ newspaper/ negligence	" pun. damages struck	<u>Aff'd</u> , 426 So.2d 45 (Fla. Dist. Ct. App. 2nd 1982), <u>aff'd</u> , 458 So.2d 243, 11 Med. L. Rprr. 1062 (Fla. 1984)
<u>Udell v. New York News, Inc.</u> , (N.Y. Sup. Ct., Kings County)	jury/plaintiff	\$650,000 comp.	private figure/ newspaper/*	---	Damages reduced to \$75,000 (N.Y.A.D. 1st Dept.)
<u>Uni Copy v. A.H. Belo Broadcasting</u> , (Tex. Dist. Ct. Travis County 1988)	jury/plaintiff (libel, false light, trade)	\$ 406,000 comp. <u>1,140,000</u> pun. \$1,546,000 total	public figure/ television/ actual malice	pun. damages partially reduced to \$40,000 disparagement	case settled
<u>Van Dyke v. KUTV</u> , (Utah Dist. Ct. 2nd.)	jury/defendant	---	public official/ television/ actual malice	---	<u>Aff'd</u> , 663 P.2d 52, 9 Med. L. Rprr. 1546 (Utah 1983)
<u>Van Dyne v. Ogden Newspapers</u> , (Belmont, Ohio 1988)	jury/defendant	---	private figure/ newspaper/ negligence	---	No appeal
<u>Villarreal v. Harte- Hanks Communications</u> (Tex. Dist. Ct. Nueces County 1988) No. 13-89-197-cv.	jury/plaintiff	\$160,000++	public official/ newspaper/actual malice	JNOV for defendant granted ("take nothing judgment"); plaintiff's motion for new trial denied	<u>Aff'd</u> , 787 S.W.2d 131, 17 Med. L. Rprr. 1575 (Tex. App. 1990), <u>cert.</u> <u>denied</u> , 111 S.Ct. 1316 (1990)

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Wanless v. Rothballer</u> , (Peoria County, Ill. 3/29/84) No. 77-L-5147	jury/plaintiff	\$250,000 act. <u>250,000</u> pun. \$500,000 total	public official/ newspaper/actual malice	---	<u>Rev'd</u> , 483 N.E.2d 899, 12 Med. L. Rprr. 1106 (Ill. App. Ct. 3rd Dist. 1985), <u>aff'd</u> , 503 N.E.2d 316, 13 Med. L. Rprr. 1849 (Ill. 1987)
<u>Warford v. Lexington- Herald Leader</u> , (Ky. 1988)	jury/defendant (directed verdict)	---	public figure/ newspaper/actual malice	---	<u>Rev'd and remanded</u> , 789 S.W.2d 758, 17 Med. L. Rprr. 1785 (Ky. 1990), <u>cert. denied</u> , 111 S.Ct. 754 (1991)
<u>Warner v. Kansas City Star</u> , (Mo. Cir. Ct. Jackson County)	jury/plaintiff	\$200,000 comp. <u>75,000</u> pun. \$275,000 total	public figure/ newspaper/actual malice	JNOV granted	<u>Aff'd</u> , 726 S.W.2d 384, 13 Med. L. Rprr. 1961 (Mo. App. 1987)
<u>Washington v. Time, Inc.</u> , (Ark. Cir. Ct., Pulaski County 1983) No. 81-7729	jury/defendant	---	private figure/ magazine/*	---	---
<u>Weller v. KGO-TV</u> , (Cal. Super. Ct. Marin County 1989)	jury/plaintiff	\$2.3 mil comp. (includes distress and harm to rep.)	private figure/ television/ negligence	JNOV/new trial denied	<u>Aff'd</u> , 19 Med. L. Rprr. 1161 (Cal. Ct. App. 1991)
<u>Wiley v. WKRG</u> , (Ala. 1988)	jury/plaintiff	\$5,000 comp./total (award held to "advisory")	public official/ television/ actual malice	---	---

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Williams v. ABC,</u> (W.D. Ark. 1983) Civil Action No. 82-5180	jury/defendant	---	private figure/ television/ negligence	---	---
<u>Willis v. Perry,</u> (Colo. Dist. Ct.)	jury/defendant (directed verdict)	---	public official/ newspaper/actual malice	---	<u>Aff'd</u> , 677 P.2d 961, 10 Med. L. Rptr. 1217 (Colo. Ct. App. 1983)
<u>Wilhoit v. WCSC,</u> (C.P. Charleston County)	jury/plaintiff	\$ 1 comp. <u>45,000</u> pun. \$45,001 total	private figure/ television/ negligence	---	<u>Aff'd</u> , 358 S.E. 2d 397, 13 Med. L. Rptr. 2156 (S.C. App. 1987)
<u>Williams v. Pulitzer</u> <u>Broadcasting Co.,</u> (St. Louis City Cir. Ct.)	jury/plaintiff	\$ 100,000 comp. <u>1,002,500</u> pun. \$1,102,500 total	private figure/ television/ negligence	---	Comp. damages <u>aff'd</u> , pun. damages <u>rev'd</u> , 706 S.W.2d 508, 12 Med. L. Rptr. 1712 (Mo. App. 1986)
<u>Williamson v. Lucas,</u> 304 S.E.2d 412 (Ga. Ct. App. 1983)	jury/plaintiff	\$25,000 comp. <u>35,000</u> pun. \$60,000 total	public official/ radio/actual malice	---	<u>Aff'd</u> , 320 S.E.2d 800 (Ga. Ct. App. 1984)
<u>Wilson v. Scripps-Howard</u> <u>Broadcasting Co.,</u> (W.D. Tenn.)	jury/plaintiff	\$75,000 comp.	private/ television/ negligence	reduced to \$30,000	<u>Rev'd</u> , 642 F.2d 371, 7 Med. L. Rptr. 1169 (6th Cir. 1981), <u>cert.</u> <u>granted</u> , 454 U.S. 962 (1982), <u>cert.</u> <u>dismissed</u> , 454 U.S. 1130 (1982)

LIBEL AND RELATED CASES: 1980-89

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Wright v. Western</u> <u>Broadcasting</u> , (Ga. Super. Ct. Richmond County)	jury/plaintiff	\$25,000 comp.	private figure/ television/*	---	<u>Aff'd</u> , 356 S.E.2nd 53, 14 Med. L. Rptr 1286 (Ga. Ct. App. 1987)

- * Standard of fault not articulated by court or unattainable
- ** Type of plaintiff not articulated by court or unattainable
- *** Because jury was permitted to render a verdict and damage award, the post-jury "directed verdict" is considered to be a J.N.O.V. ruling for purposes of this study
- ++ Composition of damages unavailable

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LIBEL AND RELATED CASES: 1990-91

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Bressler v. Fortune Magazine</u> , (E.D. Tenn. 2/91)	jury/plaintiff	\$250,000 comp. <u>300,000</u> pun. \$550,000 total	public official/ magazine/actual malice	---	pending in 6th Cir. Ct.
<u>Carney v. Santa Cruz Women Against Rape</u> , (Cal. Super. Ct. Santa L. Cruz County)	jury/plaintiff	\$ 7,500 act. <u>25,000</u> pun. \$32,500 total	private figure/ newsletter/actual malice	---	<u>rev'd and remanded</u> , 271 Cal. Rptr. 30 18 Med. L. Rptr. 1123 (Cal. App. 6th 1990)
<u>Carper v. Shenandoah Publishing House</u> , (Vir. Cir. Ct. Winchester County 8/17/91)	jury/plaintiff	\$800	private figure/ newspaper/ negligence	plaintiff motion to set aside verdict as inadequate denied	appealed to Supreme Ct. of Va.- denied review
<u>Crinkley v. Dow Jones & Co.</u> , (Cook County. Cir. Ct., Ill. 5/91) No. 84L25888	jury/plaintiff	\$2.23 million +++	private figure/ newspaper/ negligence	new trial on damages ordered (Cook County Cir. Ct., Ill., 9/25/91)	<u>aff'd</u>
<u>Dorman v. Aiken Communications</u> , (S.C. C.P. Aiken County 10/91)	jury/defendant (privacy and violation of statute)	---	private/ newspaper/ negligence	---	no appeal
<u>Feazell v. A.H. Belo Corp.</u> , (Tex. Dist. Ct. McLennan County 4/19/91) No. 86-22271	jury/plaintiff	\$17 mil. comp. <u>41 mil.</u> pun. \$58 mil. total	public official/ television/ actual malice	JNOV denied	case settled prior to appeal

LIBEL AND RELATED CASES: 1990-91

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Furgason v. Alamogordo</u> <u>Daily News</u> , (N.M. Dist Ct. Otero County 11/8/91)	jury/plaintiff	\$ 700,000 act. 4,000,000 pun./ newspaper 1,000,000 pun./ reporter \$5,700,000 total	private figure/ newspaper/ negligence (actual malice standard for punitive damages)	JNOV granted for punitive damages, new trial ordered on actual damages	pending
<u>Gallon v. Hustler</u> <u>Magazine</u> , 732 F. Supp. 322, 17 Med.L. Rptr. 1719 (N.D.N.Y. 1990)	judge/plaintiff	\$30,000 (mental anguish)	private figure/ magazine/reckless disregard	---	---
<u>Gelardi v. Forbes, Inc.</u> , (D. Me. 8/2/91) No. 90-0057-P	jury/defendant		private figure/ magazine/negligence	---	no appeal
<u>Gunter v. Shenandoah</u> <u>Publishing</u> , (Va. Cir. Ct., City of Winchester) No. 89-L-198	jury/plaintiff	\$10,000 comp. 10,000 pun. \$20,000 total	private figure/ newspaper/ negligence	motion to set aside verdict - pending.	---
<u>Hinerman v. Charleston</u> <u>Gazette</u> , (W. Va. Cir. Ct. Brooke County 10/14/90) No. 84-C-137	jury/plaintiff	\$ 75,000 comp. 300,000 pun. \$375,000 total	public figure/ newspaper/actual malice	motion for new trial pending	---
<u>Kaplansky v. Rockaway</u> <u>Press</u> , (N.Y.A.D. Queens County) No. 17250/87	jury/plaintiff	\$2,000,000 comp. 250,000 pun. \$2,250,000 total	public figure/ newspaper/actual malice	motion to set aside damages affirmed in part and denied in part, comp. damages reduced to \$1,850,000	pending

LIBEL AND RELATED CASES: 1990-91

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Kimble v. Taft</u> <u>Broadcasting</u> , (Ohio C.P. Guernsey County 1/15/91) No. 87-M 377	jury/defendant (privacy)	---	private/ television/ negligence	JNOV denied	no appeal
<u>McClellan v. McClain</u> <u>High School</u> , (Okla. Dist. Ct. Tulsa County 1990)	jury/plaintiff	\$5,001+++	private/ school newspaper/ per se determination	---	no appeal
<u>McDermott v. Biddle</u> , (Pa. C.P. 1990) No. 3693 March Term 1984	jury/plaintiff	\$3 mil. act. <u>3 mil.</u> pun. \$6 mil. total	public/ newspaper/ actual malice	pending	---
<u>McKinney v. Long Beach</u> <u>Press-Telegram</u> , (Cal. Super. Ct. L.A. County 1991) No. SOC 89467	accounting by referee (newspaper had conceded liability)	\$75,600 to institutional plaintiff school/\$0 to individual plaintiff (plaintiffs limited to special damages, as determined on prior appeal, because newspaper published correction)	n/a/newspaper/n/a	---	no appeal

LIBEL AND RELATED CASES: 1990-91

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Meyer v. Crain</u> <u>Communications</u> , (N.D. Ill. 1991) No. 88C10373	jury/defendant;		public figure/ magazine/ actual malice	JNOV granted for plaintiff because jury was wrongly asked to decide whether remarks were defamatory and new trial, ordered to determine level of damages only	case settled 7/13/92, before damages trial
<u>The Nailery, Inc. v.</u> <u>Goldstein</u> , (Tex. Dist. Ct. 1991) No. 89-2810-M	jury/defendant (libel) jury/defendant (directed verdict)(libel per se and tortious inter- ference claims)	---	**/magazine/*	---	---
<u>Newcomb & Assoc. v.</u> <u>Plain Dealer Publishing</u> <u>Co.</u> , (Ohio C.P. Cuyahoga County 1990) No. 93757	jury/plaintiff	\$ 4.5 mil. comp. <u>9.0 mil.</u> pun \$13.5 mil. total	private figure/ newspaper/*	---	---
<u>Nguyen v. Nguyen</u> (L.A. County Super. Court 9/6/91)	jury/plaintiff	\$ 3,500,000 comp. 12,000,000 pun. <u>580,000</u> spec. \$16,080,000 total	private/newspaper/ negligence	motion for retrial or reduce judgement pending	---

LIBEL AND RELATED CASES: 1990-91

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>O'Connor v. McGraw Hill</u> , (Cal. Super. Ct. 1990)	jury/plaintiff	1.6 mil. comp.	private figure/ publisher/ gross irrespons.	JNOV and new trial denied	pending (filed 1/91)
<u>People's Bank & Trust Co. v. Globe International Publishing, Inc.</u> , (W.D. Ark. 1991)	jury/plaintiff (invasion of privacy) jury/defendant (libel)	\$ 650,000 comp. <u>850,000</u> pun. \$1,500,000 total	private figure/ magazine/ actual malice	motions for judgment on a matter of law, JNOV, remittitur, and for new trial denied, 786 F. Supp. 791, 19 Med. L. Rptr. 2097 (W.D. Ark. ? 1992)	pending in 8th Cir. (8/3/92)
<u>Prozeralik v. Capital Cities, Inc.</u> , (N.Y.A.D. Erie County 1991) No. 860411	jury/plaintiff	\$ 8.47 mil. comp. <u>10 mil.</u> pun. \$18.47 mil. total	public figure/ television/ actual malice	reduced to: \$ 5,487,525 comp. 10,000,000 pun. <u>\$15,487,525</u> total	pending
<u>Randolph v. Jefferson</u> , (C.P. Pa. 1990)	jury/plaintiff	\$206,704 comp. <u>487,500</u> pun. \$694,204 total	public figure/ radio DJ/ actual malice	reduced to \$650,000	case settled 1991

LIBEL AND RELATED CASES: 1990-91

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>S & W Seafood Restaurant</u> <u>v. JACOR Broadcasting,</u> (Ga. Dist. Ct. 4/91)	judge/defendant (libel, privacy, and incitement)	---	private/radio negligence	---	Ga. Ct. App. aff'd for Ga. defendant on libel, but remanded for trial on issue of emotional distrust (jury later found for defendant on that issue -- 5/4/91)
<u>Schnitt v. Susquehanna</u> <u>Broadcasting, (Va. Cir.</u> <u>Ct. Virginia Beach 1990)</u> <u>No. 4967</u>	jury/plaintiff	\$275,000 comp. 35,000 pun. \$310,000 total	private figure/ radio station/ negligence	---	n/a
<u>Scibelli v. Springfield</u> <u>Union News, E & P mag.</u> <u>5/23/90 (Springfield,</u> <u>Mass. 1990)</u>	jury/plaintiff	\$75,000+++	private figure/ newspaper/ negligence	---	n/a
<u>Sisler v. Gannett Co. II,</u> <u>(N.J. Super. Ct.</u> <u>Dorchester County 5/21/91)</u>	jury/defendant (directed verdict)	---	private figure/ newspaper/ actual malice	---	no appeal

LIBEL AND RELATED CASES: 1990-91

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Southern Air</u> <u>Transport v. Post-</u> <u>Newsweek Stations, Inc.,</u> (Fla. Cir. Ct. Dade County 1990)	jury/defendant		public figure/ television actual malice	motion for new trial granted	<u>aff'd</u> , trial ct.'s determin- ation that plaintiff is a public figure, <u>rev'd</u> , trial court's conclusion that no reasonable trier of fact could find actual malice by clear and convincing evidence and remanded, 568 So. 2d 927 (Fla. App. Ct. 1990), reh'g and reh'g en banc denied 11/13/90, Fla. Cir. Ct. granted new trial 10/4/91
<u>prague v. Walter II,</u> 7 Med. L. Rptr. News otes 5/15/90. Pa. C.P. hila. County April Term, 973, No. 3644, ay 3, 1990	jury/plaintiff	\$ 2.5 mil. comp. <u>31.5 mil.</u> pun. \$34.0 mil. total	public official newspaper/ actual malice	post trial motions still pending (8/5/92)	---

LIBEL AND RELATED CASES: 1990-91

CASE NAME/CITATION	TRIER OF FACT/ PREVAILING PARTY AT TRIAL	DAMAGE AWARD	TYPE OF PLAINTIFF/ DEFENDANT STANDARD APPLIED	POST-TRIAL MOTIONS	RESULT ON APPEAL
<u>Srivastava v. Harte Hanks</u> , No. 85 CI 15150 (Tex. Dist. Behar County Ct. 1990)	jury/plaintiff (libel, false light, privacy and emotional distress)	\$11.5 mil. act. <u>17.5 mil.</u> pun. \$29.0 mil. total	public figure/ television/ actual malice	---	appeal dropped in favor of out of court settlement (1991)++
<u>Upchurch v. Spartenburg Herald Journal</u> , (C.P. Cherokee County 10/9/91) No. 89-CP-11-282	jury/defendant (directed verdict) (outrage)	---	private/ newspaper/ reckless conduct	---	appeal to S.C. S.Ct. pending (7/15/92)
<u>Wallace v. Tribune Democrat</u> , (C.P. Cambria County 1990) No. 1987-840	jury/defendant	---	private figure/ newspaper/ actual malice	---	<u>aff'd</u> , (Pa. Super. Ct. 1991)
<u>Wavell v. Gulf Coast Broadcasting</u> , (Tex. Dist. Ct. Nueces County) No. 87-4433-G	jury/defendant (false light, privacy)	---	private figure/ television/ negligence	---	---
<u>Yellow & Checker Taxi Co. v. Las Vegas Sun</u> , (Clark Cty, Nevada 1991)	jury/defendant	---	private figure/ newspaper/negligence	---	---