

Cable Broadcasting Blues

Negligence, Negligent Supervision and Emotional Distress

A suit for negligence, negligent supervision and emotional distress was threatened after a cable company got its wires crossed – literally. The claimants alleged that their young children lost their wide-eyed innocence after watching an adult entertainment channel, which should not have been included in the family’s cable package. The family was pacified with free cable service and a nominal donation to the children’s school.

Copyright Infringement

A cable company was sued after a shiny bauble displayed on an infomercial was claimed to infringe upon the design of a well-known jewelry manufacturer. While the cable company, which owned the shopping channel, did have a hold-harmless agreement with the vendor of the alleged infringing jewelry, the vendor did not have insurance to back-up its promise to pay, and the cable company was liable as an innocent infringer.



Radio Broadcaster Rancor

Defamation and Invasion of Privacy

During a call-in morning radio show that broadcast to a mid-sized market, a grade school student stated that his school's principal and teacher were having an affair. After the student proceeded to identify the name of these individuals and his school on-air, the station management realized that they had a problem on their hands. After being sued by both the principal and the teacher, the station settled with both plaintiffs after summary judgment was denied. The combination of settlement and legal expense was in excess of \$100,000.

Outrageous Conduct, Nuisance and Intentional Infliction of Emotional Distress

A disk jockey, who had been angered by a local motel owner, encouraged listeners to honk their car horns as they drove by. The motel owner sued the d.j. and the radio station for outrageous conduct, nuisance and intentional infliction of emotional distress. The court refused to grant summary judgment, and the case was settled for approximately \$25,000 because it was perceived by the defense team that a jury would not like the obnoxious d.j. Defense costs, however, were in excess of \$50,000.

Copyright Infringement and Plagiarism

A southern radio station was sued for copyright infringement and plagiarism for "lifting" traffic reports from its competitors. The station was sued by the company that provided the traffic reports to subscribing stations for a fee. The case was settled for an amount in excess of \$25,000.

Negligent Infliction of Emotional Distress

The morning radio show disk jockeys enjoyed reviewing the Sunday bride section on Monday morning and rating the brides. The "ugliest" bride, who was identified by name on the air, sued for emotional distress. The matter was promptly settled by sending the honeymooners on a vacation.

Television Broadcaster Trials and Tribulation

Trespass, Invasion of Privacy and Conspiracy

A television station was sued for trespass, conspiracy and invasion of privacy after entering the fenced backyard of a private home upon the invitation of Humane Society officials because the resident was operating a puppy mill under deplorable conditions. Community members were outraged by the shocking footage. The operation was shut down, and the surviving puppies placed with loving homes. Despite the station's good deed, summary judgment was denied because the station reporter and camera crew entered the backyard without valid consent. Refusing to settle as a matter of principle, legal expenses mounted for the station and exhausted the \$25,000 retention. The plaintiff finally tired of the litigation and dismissed the suit.

Trademark Infringement

A local television station was sued for trademark infringement after a weatherman inadvertently used a registered term to track Santa's whereabouts on Christmas eve. The matter was promptly settled within the \$50,000 retention.

Invasion of Privacy and Defamation

A television station in a large market was sued by family members for invasion of privacy and defamation arising from a news broadcast about a Christmas Eve house fire that killed all of its occupants, including five children. Neighbors were interviewed who made gratuitous and unflattering comments about the upkeep of the children. Because of complaints, the station's manager broadcast an apology about its insensitive handling of the fire. Relatives of the family sued. Summary judgment was granted because this jurisdiction did not recognize defamation of those who are dead. The judge, however, made scathing comments in his opinion about the insensitivity of the news station. Legal fees were in the high five figures.

Television Broadcaster Trials and Tribulation *continued*

Trespass, Fraud and Breach of Loyalty

In a well-publicized suit, a national news network was sued after sending two female employees undercover with wig cams to investigate complaints regarding the meat-handling practices of a major supermarket chain.

The broadcast, which aired during sweeps week, was linked to a significant drop in the supermarket's stock. Ultimately, the jury found the network, its parent company and several employees liable for trespass, fraud and breach of an employee's loyalty and returned a verdict totaling \$1,402 in compensatory damages and \$4,445,750 in punitive damages. The district court reduced the punitive damages award to \$315,000. All parties have appealed to the Fourth Circuit.