

Newspaper Publishing Problems

Defamation, Invasion of Privacy and Outrageous Conduct

A mid-sized west coast daily newspaper was sued for defamation, invasion of privacy and outrageous conduct after publishing a personal ad placed by a spurned girlfriend, who decided to get even by identifying her former boyfriend by name and address and warning all single women to “stay away” because of his HIV status and an alleged penchant for theft, drugs and other conduct that would render him unfit for a serious relationship. Fortunately for the newspaper, the plaintiff failed to comply with the state’s rather unforgiving retraction statute that required a retraction demand to precede the filing of suit. The case was dismissed, but the legal fees made this a costly mistake for the newspaper.

Copyright Infringement

A newspaper publisher and a vacation company were sued for copyright infringement for use of the golden “Oscar” statuette in an advertisement, which was designed by the newspaper’s advertising department. The case was promptly settled for approximately \$25,000.

Negligence and Emotional Distress

A small town newspaper was sued by a “decedent” and his family for publishing an obituary of the deceased, who was quite alive. Some family members, who thought their relative looked fine, were quite surprised to learn of this passing and were upset by the obituary. (The obituary had been placed by feuding neighbors.) Fortunately, the complaint was filed in a jurisdiction where the standard of care was gross negligence. The publication’s failure to investigate the placement of the obituary – despite a few discrepancies – did not rise to the level of gross negligence. Summary judgment was granted. Legal fees did exceed the publication’s retention.

Defamation by Implication

A small rural newspaper was sued for defamation by implication by a dairy farmer whose picture was placed in the newspaper in close proximity to an article about e-coli bacteria contamination of ground water from livestock feces run-off. A “clarification” was published after attorneys for the dairy complained about the article. It is anticipated that the matter will settle in exchange for free dairy advertising in the publication.

