

Bailey, Bailey, and Davis Win Appeal of Libel Verdict Against Broadcasting Company

The Rushton Stakely trial and appellate team of Dennis Bailey, Katie Davis and Evans Bailey obtained a unanimous decision from the Alabama Supreme Court reversing a libel verdict against Birmingham Broadcasting LLC (WVTM-TV) a/k/a Channel 13 as well as a judgment rendered for Channel 13 on all claims. The opinion was written by Justice Sarah H. Stewart and released Feb. 28, 2020.

The plaintiff was the subject of a "To Catch a Predator" segment authored by Jefferson County Sheriff Mike Hale and broadcast by Channel 13. The sheriff displayed the mugshot of the plaintiff and stated that arrest warrants had been issued for the plaintiff for failing to register as a sex offender relating to decades old conviction for misdemeanor possession of obscene videos. After the broadcast, the plaintiff's counsel convinced the local assistant district attorney that the sheriff's office had been mistaken and that registration was not required. The warrants were withdrawn. The sheriff's office contacted Channel 13 and advised the warrants were withdrawn. The next week on "To Catch a Predator" the plaintiff's mugshot was again shown under the words "Charges Dropped" and it was stated the charges were withdrawn. Despite the applicability of the reporter's privilege, summary judgment was denied and the case proceeded to trial where a jury awarded the plaintiff \$250,000. Dennis Bailey and Katie Davis defended the case at trial.

On appeal, Dennis Bailey, Katie Davis and Evans Bailey prepared the briefs and Dennis Bailey presented oral argument to the Alabama Supreme Court. On Feb. 28, 2020, the court, speaking through Justice Sarah H. Stewart, unanimously

reversed the jury verdict and rendered judgment for Channel 13 holding that the broadcast was privileged.

Members of the Sheriff's office were also sued but dismissed on summary judgment. The Supreme Court of Alabama affirmed the dismissal of those claims on sovereign immunity grounds.