

Defamation

Widely recognized as having the country's leading high-stakes defamation practice, Benesch has built a team of hard-hitting lawyers who have prevailed time and again for plaintiffs in multibillion-dollar defamation suits, including one recognized as the largest defamation action in U.S. history.

Taking on Media Giants

The dramatic increase in the amount and type of media available, the way fake news can now move around the world at lightning speed, and its ability to exist online indefinitely have forever changed the defamation landscape.

Our attorneys advise and represent anyone who has been defamed or is about to be defamed, including corporations, executives, authors, celebrities and many others. Our clients trust us to bring the largest and most complex defamation cases in the country, and we are always up to the challenge. Indeed, we routinely take on the world's leading media outlets—including Fox News, ABC and NBC—and their top legal teams. We are trial attorneys who know how to hold these outlets accountable when they publish falsehoods about our clients.

The following are examples of the lawsuits we have brought:

- Representing Smartmatic, an international election technology and software company, in multiple defamation cases against Fox News, Newsmax, OANN and others who falsely reported that it rigged the 2020 U.S. presidential election. Our Chicago-based team filed complaints against these organizations and their on-air personalities seeking billions in damages.
- Represented Beef Products (now Empirical Foods) in a multibillion-dollar defamation lawsuit against ABC News related to its false report that our client's beef product was "pink slime." We settled this lawsuit for what was considered the largest defamation recovery at the time of the case.
- Represented one of the "Real Housewives of Beverly Hills" in her defamation lawsuit against the anonymous publisher of a popular celebrity news website. We obtained a favorable

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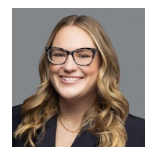


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settlement that resulted in all harmful publications about our client being removed from the defendant's website.

- Representing Cassava Sciences, a publicly traded pharmaceutical company, in its defamation lawsuit against short sellers accused of publishing false and misleading statements about the company online.

Protecting Your Reputation

Faced with an ever-expanding list of social and traditional media challenges, we excel at protecting our clients' most valuable asset: their reputation. As defamation experts, our lawyers often can protect your reputation without engaging the court system. We will deal with the media on your behalf to prevent it from publishing defamatory statements about you at the outset and to mitigate the impact of any defamatory statements that have been published.

We evaluate reputational harm by generating evidence in real-time, tracking client mentions online and measuring libel, slander, and other potentially harmful statements to determine the best course of action. Building a systematic, verifiable record at the outset—one that can be used to establish the publisher's knowledge that its reports were false and misleading—enhances the chances of either halting the publication of a "hit piece," executing a successful retraction demand, and accurately quantifying recoverable damages. It also prevents others from picking up and spreading the story further.

Our attorneys excel at correcting misleading stories. If an article is set to be published, we make sure the journalist presents the issues fairly, while also ensuring our client's perspective is included *before* the article is released. If the story has already been published, we make sure that the publisher corrects its falsehoods. Should litigation be necessary, our highly experienced attorneys have what it takes to prepare a compelling case and deliver winning arguments.

The following are examples of our reputation protection services.

- Persuaded a major news network to refrain from publishing a politically driven and defamatory long-form broadcast report about our client, a well-known philanthropist, and his grantmaking network.
- Helped our client ensure retraction of defamatory stories disseminated by Gannett-affiliated media publications (USA Today/Scripps). Gannett published a lengthy defamatory piece about our client, one of the largest dental service organizations in the country. Shortly thereafter, the story was "repackaged" to numerous Gannett-affiliated media outlets. We then sent approximately 150 cease and desist letters to

the affiliates over a 48-hour time frame, seeking to have the republications retracted. This stopped the story in its tracks and significantly limited the damage to our client.

- Retained to represent a global investment and advisory financial services firm in connection with a negative investigation about the company and its subsidiaries being led by a team of reporters at Bloomberg News. Within a week, Benesch and the client's crisis communications manager provided pages of material contradicting the "findings" of the investigative reporter, held an in-person meeting with the reporters, their editors and Bloomberg's counsel and were able to prevent the publication of negative statements and outright falsehoods about our client.
- Retained by an American automotive company focusing on green transportation that had learned that "Tucker Carlson Tonight" was planning on interviewing a known critic of the client. Because of our quick intervention and one-on-one conversations with the show's producer, the critic was not included on the show and our client has not been mentioned on that program again.