



Press Releases

Munck Wilson Mandala Client Wins Texas Supreme Court Reversal Court of Appeals Judgement in a “Fair Report Privilege” Case

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Dallas, TX, Jun. 21, 2016 — Munck Wilson Mandala clients KBMT, a Beaumont television station, and three of its broadcasters received outstanding news last week when an opinion from the Supreme Court of Texas rejected a libel claim against them and sent the case back to the trial court for determination of KBMT’s attorney’s fees.

In *KBMT Operating Co., et al. v. Minda Lao Toledo*, a Port Arthur pediatrician sued KBMT for defaming her with broadcasts reporting that she was disciplined by the Texas Medical Board for engaging in sexual contact with a patient.

Toledo claimed the broadcasts defamed her by reporting that she was a pediatrician, a fact not in the Texas Medical Board’s press release that announced the sanction. Toledo claimed the station sensationalized its report to suggest that Toledo’s patient was a child, rather than the 60-year-old man she had been dating. Munck Wilson Mandala partner Michael McCabe, who argued for KBMT, said station news personnel did not know the patient’s age, which was not contained in the Texas Medical Board’s reports of the proceedings.

KBMT sought to have Toledo’s lawsuit dismissed under the Texas Citizens Participation Act (“TCPA”), arguing that the broadcasts were not defamatory because they were substantially true and fell within the protection of the fair report privilege, which permits media defendants to report on official proceedings of the state without conducting their own investigation of the underlying facts. McCabe argued that the truth of the broadcast should be determined by comparing it to the report of the official proceeding.

On June 17, 2016, the Supreme Court agreed and reversed the Beaumont Ninth Court of Appeal’s judgment. The Court found that Toledo had not met her burden under the TCPA to establish by clear and convincing evidence a prima facie case that the broadcast was false. The Supreme Court remanded the case to the trial court to determine the amount of the attorney’s fees and costs that Toledo must pay to KBMT.

“This is a great result for KBMT and all members of the media,” said McCabe. “The Court set a bright line standard to determine how the truth of a broadcast should be evaluated when the media reports on official proceedings that concern the public. The Court’s ruling will permit the media to accurately report on official proceedings without fear of specious defamation claims.”

McCabe worked closely with Munck Wilson Mandala associate Jessica Spaniol on the appeal. To view a copy of the opinion, [click here](#).

McCabe is a well-known trial lawyer, committed to achieving outstanding results for his clients. He is a member of MWM’s employment litigation and labor and employment practice groups. He has successfully handled several cases on appeal and is recognized as a Top 100 Super Lawyer in Texas and a Top 100 Super Lawyer in DFW (2014-15) by Texas Super Lawyers, Thomson Reuters; and a Best Lawyer in America, Woodward/White Inc. (2012, 2014, and 2015). He received his J.D. with honors from the Texas Tech University School of Law.

Spaniol is a member of MWM’s commercial litigation and intellectual property practice groups. She has obtained successful jury verdicts in patent infringement, trade secret and antitrust claims. She received her J.D. magna cum laude from the Paul M. Hebert Law Center at Louisiana State University.

Munck Wilson Mandala is a technology-focused law firm with offices in Dallas and Marshall, Texas, with an emphasis on patent, trade secret, trademark and other intellectual property disputes. The firm offers full-service counsel in the areas of



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intellectual property litigation, complex commercial litigation, intellectual property portfolio development, corporate transactions and securities, and employment law. Munck Wilson Mandala represents clients from start-ups to Fortune 50 companies. Learn more about the firm at <https://munckwmdev.wpengine.com>.

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