

Press Release

# Akerman Successfully Represents Lead Stories in High Profile First Amendment/Defamation Case

March 1, 2022

Top 100 U.S. law firm Akerman LLP is pleased to announce that in a high profile First Amendment/defamation case, the firm obtained an important decision from the Delaware Supreme Court, sitting en banc, in favor of Akerman's client Lead Stories, LLC, a fact checking company.

In March 2020, political commentator Candace Owens published a Facebook post containing several misleading or false statements concerning whether COVID-19 was recorded as the cause of death for individuals who died for reasons unrelated to COVID-19. After engaging in an extensive fact-checking process, Lead Stories published a fact-checking article in which Owens' statements were given a false designation. Owens subsequently filed suit against Lead Stories in Delaware Superior Court and asserted claims for defamation, tortious interference, and unfair competition. Owens also sued *USA Today* for a similar fact-checking article.

The lower court granted both Lead Stories and *USA Today's* motions to dismiss for failure to state a claim and dismissed the complaint in its entirety. The lower court applied the First Amendment, and ruled that Owens failed to show that the fact-checking articles were false statements amounting to actual malice.

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Kristen M. Fiore

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Owens appealed, and during a closely-watched oral argument before the Delaware Supreme Court, sitting en banc, Akerman argued: “If you find what Lead Stories did here actionable based on these circumstances, we submit it not only creates an unprecedented exception to the First Amendment jurisprudence . . . , but it also potentially silences the fact-checking industry that has increasing importance with the proliferation of social media.” The Delaware Supreme Court agreed with Akerman and the lower court, and unanimously affirmed the lower court’s dismissal.

The Akerman team representing Lead Stories was led by Craig Weiner and Reena Jain, along with appellate practice group members Kristen M. Fiore and Christine B. Gardner.

### **About Akerman**

Akerman LLP is a top 100 U.S. law firm recognized among the most forward-thinking firms in the industry by Financial Times. Its more than 700 lawyers and business professionals collaborate with the world’s most successful enterprises and entrepreneurs to navigate change, seize opportunities, and help drive innovation and growth.