

The Ninth Circuit Revives Defamation Claim Filed By Glassman, Browning, Saltsman & Jacobs' Client Reverend Frederick Price, Founder of Crenshaw Christian Center

On August 24, 2010, the United States Court of Appeals for the Ninth Circuit revived defamation claims filed by Glassman, Browning, Saltsman & Jacobs partner Anthony M. Glassman, on behalf of televangelist Dr. Frederick K.C. Price against ABC News and its correspondent, John Stossel. *Price v. Stossel*, ----F.3d ----, No. 09-55087, 2010 WL 3307482 (9th Cir. August 24, 2010). In the lawsuit, Price claims that Stossel took a brief excerpt from a 10 year-old sermon intentionally out of context intending to portray him as corrupt and unethical. In its decision, the panel noted the risks the news media take when they put words in a public figure's mouth, and framed the issues in Price's appeal as whether there are similar risks when a network television program broadcasts a statement actually made by a public figure, but presents the statement in a misleading context, thereby changing the viewer's understanding of the speaker's words. The panel found the context in which Price's words were presented materially changed the words' meaning, and because Price has a reasonable possibility of proving that the clip, as broadcast, was false, and because defendants relied exclusively on the issue of non-falsity in their motion to dismiss under the anti-Strategic Lawsuit Against Public Participation statute, it must reverse the dismissal of the express defamation claim and remand to the district court for further proceedings.

Glassman, Browning, Saltsman & Jacobs partner Anthony M. Glassman said that Dr. Price and the entire Crenshaw Christian congregation were overjoyed with the reversal and look forward to a full vindication at trial. Mr. Glassman noted that he was pleased that the Ninth Circuit panel unanimously agreed with his argument that the case was governed by the Supreme Court's decision in *Masson v. The New Yorker* and that ABC's use of the clip was so materially different from the sermon as delivered that the claim was actionable.