



Firm Obtains Dismissal of Claims Brought Against Newspaper

October 7, 2008

A federal district court granted Lathrop Gage's motion to dismiss most of a plaintiff's claims brought against firm client Springfield Business Journal, and granted the motion for summary judgment as to the remaining claim. As a result, the U.S. District Court, Western District of Missouri - Southern Division effectively dismissed the entire lawsuit. Member Bernie Rhodes led the successful legal team in this matter. *Springer v. Springfield Business Journal*, Case No. 07-3448-CV-S-SWH.

On December 6, 2007, the plaintiff filed a complaint against the newspaper, Martin Dingman, Shane Grady, Matt Wagner, Bonnie Macleod and others unknown as the result of allegedly "libelous and slanderous statements made against Plaintiff both on the radio in Branson and Springfield as well as continuing with the same libel and slander in the November 26, 2007 edition of the *Springfield Business Journal*." The lawsuit alleged four separate instances of defamation as a result of the publication of an article in that edition.

The article in question, "Tax Fraud Conspirators Speak Out," was written from interviews with named defendants in the case, who had previously pleaded guilty in federal court to willfully refusing to file federal income tax returns from 1996 to 2000. These defendants then agreed to the interview so as to help spread the word about the injurious nature of their offense, and in return federal prosecutors requested a downward departure from the sentencing guidelines in their case.

According to the article, the defendants "hope to steer people away from the nationwide network of anti-tax advocates who convinced them to join a 'grassroots movement' challenging the federal government's authority to tax personal income."

Mr. Rhodes successfully evinced that none of the statements are defamatory under Missouri law. Among other things, the defense team argued that the publication's reporting on the opinions of those interviewed were not directly slanderous or libelous toward the plaintiff. Mr. Rhodes has successfully defended newspapers and television stations throughout the U.S. in lawsuits resulting from undercover "sting" operations, defamation actions, false light actions, and other litigation attempting to limit the media's ability to report the news.



About Lathrop Gage:

A leading Midwest full-service law firm, Lathrop Gage L.C. has approximately 300 attorneys in 10 offices nationwide - from Denver, Colo. to New York, New York. In 2008, *Chambers USA* ranked Lathrop Gage's corporate, environmental, intellectual property, litigation, real estate and labor and employment teams among the best in the Midwest. For more information, visit www.lathropgage.com.