

Prather, Robb in Law360: Appeals Court Allows Defamation Suit Dismissal Motion

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Haynes Boone Partner [Laura Lee Prather](#) and Counsel [Catherine Robb](#) helped Houston CBS affiliate KHOU-TV win an important appellate ruling in its effort to dismiss a defamation lawsuit.

Law360 [reported](#) that Texas' 14th Court of Appeals, calling it an issue of first impression in a Texas appeals court, sided with KHOU-TV and the *Houston Chronicle* and reversed a trial court's ruling that the motions they had filed to dismiss a defamation lawsuit under a state free speech law were untimely.

The report said that in its [Dec. 19 ruling](#), the panel wrote that because the TV station had filed a motion to abate the case for 60 days under the Defamation Mitigation Act, that tolled the deadline to file a motion to dismiss under the Texas Citizens Participation Act.

A motion to dismiss under the TCPA usually must be filed within 60 days of service. But in this case, the parties filed the motion within 120 days after service, but within the 60-day deadline taking into account the abatement period.

The trial court had ruled that the motion to dismiss was untimely because it was filed after the 60-day window. But the appellate panel reversed, writing that when an abatement occurs under the Defamation Mitigation Act, the deadline to file a TCPA motion is abated during that time period, so the TCPA motions by the TV station and newspaper were timely filed.

To read the full article, click [here](#) (Subscription required).