Prather in Star Magazine: Can Real Cops Sue Ben Affleck and Matt Damon Over ‘Too Real’ Characters?

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In a recent article for *Star Magazine*, Haynes Boone Media Law Chair **Laura Lee Prather** weighs in on the defamation lawsuit filed by two Miami-Dade sergeants who claim Ben Affleck and Matt Damon’s production company portrayed them as corrupt officers in the Netflix film “The Rip.”

Prather explains why the lawsuit faces significant hurdles and outlines the standards a court would use to evaluate whether the officers are identifiable and whether the filmmakers acted with malice.

Read an excerpt below.

“The studios will likely move to dismiss on multiple fronts,” said Haynes Boone Media Law Practice Group Chair Laura Lee Prather, who is not involved in the case. Among them, that the officers are not identifiable in the film, that the film is fiction, and that the officers “are limited-purpose public figures who do not plausibly allege actual malice.”

Prather explained the court would likely apply “an objective, totality-of-the-circumstances test” to determine whether the officers are identifiable in the film.

“The more differences between the officers and the characters, the less likely a reasonable viewer would associate the officers with the characters,” she noted.

“The studios could seek dismissal under Florida’s anti-SLAPP statute because the claims arise from a motion picture,” she said. Florida’s anti-SLAPP “benefits” the studios, she said, by allowing for an expedited hearing, the right to an interlocutory appeal, and attorney’s fees.

The film’s disclaimer that it does not depict true events “can help reduce risk,” Prather said, “but disclaimers are not determinative.”

“Creators try to insulate themselves from liability by altering names, changing important details, and adding fictional plot elements,” she explained. “Ultimately, no single safeguard is dispositive. The line between inspired by’ and actionable turns on a variety of factors.”

Read the full article in *Star Magazine* **here**.

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