

## Haynes and Boone Wins Dismissal and Fee Award in High-Profile Defamation Suit

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January 15, 2017 Laura Prather

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**PRACTICES** Anti-SLAPP and First Amendment Rights, Media and Entertainment Litigation, Media Entertainment and Sports

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In a decisive victory for free speech and freedom of the press, a Haynes Boone legal team led by Partner [Laura Prather](#) has won a dismissal and fee award in a high-profile defamation suit filed by the father of a Muslim teenager who was arrested and suspended in 2015 for bringing a clock, which some said looked like a bomb, to school.

The incident put the Irving, Texas student, who came to be known in the media as “Clock Boy,” at the center of a national debate about terrorism and racial profiling and set off a firestorm of social media support for the teen who received invitations to visit Facebook, MIT, NASA and the White House. In the fall of 2015, lawyers for Mohamed Mohamed, the student’s father, sent two demand letters—one to the City of Irving, and another to the Irving Independent School District –asking for a total of \$15 million for alleged civil rights violations related to the arrest. Local television station KDFW FOX 4 reported on the initial arrest and the developments in the case including the demand letters, and political analyst Ben Ferguson discussed the controversy during a segment on KDFW. Nearly a year later, the father filed a defamation lawsuit against various media defendants who reported on and commented on the controversy, including KDFW FOX 4, and Ferguson.

Representing Mr. Ferguson and KDFW FOX 4, Haynes Boone moved to dismiss the suit using Texas’ anti-SLAPP statute, the Texas Citizens Participation Act, a landmark Texas law that protects Texans from retaliatory lawsuits that aim to punish them for exercising their First Amendment rights. Haynes Boone successfully established that the defendants’ reports and commentary were covered by the Act and successfully argued that the claims should be dismissed because the statements were not defamatory per se, and were fair, true and impartial accounts of public proceedings or were opinion or rhetorical hyperbole.

A Dallas County trial court last month dismissed the claims against Mr. Ferguson and KDFW and awarded the KDFW defendants over \$80,000 in attorney’s fees and costs. The court also recently dismissed Mr. Mohamed’s claims against several other defendants, conservative radio personality Glenn Beck, digital network The Blaze, Jim Hanson, and the Center for Security Policy. Conservative commentator Ben Shapiro and Irving Mayor Beth Van Duyne also have motions to dismiss on file, which have not been heard yet.

“This case underscores the importance of the anti-SLAPP statute in protecting the rights of a free press,” said Prather. “The media should not be punished for responsibly covering news stories, even though they may be controversial.”

Haynes Boone Austin Associate Alicia Calzada assisted Prather in the litigation.

Prather was instrumental in the passage of the three most significant pieces of First Amendment legislation in recent history in Texas – the Texas Free Flow of Information Act (Texas’ reporter’s privilege), the Texas Citizens Participation Act, and the Defamation Mitigation Act.

As head of Haynes Boone's [Media Law Practice Group](#), Prather focuses on First Amendment, Anti-SLAPP, intellectual property and media and entertainment litigation and appeals. She advises an extensive array of content providers including online and traditional publishers, newspapers, magazines, radio and broadcasters, cable television stations, production companies and music and sports entities.