

## Haynes and Boone Scores Appellate Win for D Magazine

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April 19, 2017 Jason Bloom, Thomas Williams, Ryan Paulsen

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**PRACTICES** Appellate, Media Entertainment and Sports

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A Dallas appellate court has rejected a defamation suit by Jose Reyes, a high-profile former Dallas Symphony Orchestra volunteer who sued *D Magazine* over its coverage of the symphony's decision in 2013 to terminate its affiliation with Reyes.

*D Magazine* was represented by Dallas Partner [Jason Bloom](#), head of Haynes Boone's [Copyright Practice Group](#), Fort Worth Partner [Tom Williams](#), and Dallas Associate [Ryan Paulsen](#).

In his suit, Reyes took issue with various aspects of *D Magazine*'s 2013 article, including a photo caption that called him a "social butterfly," statements that questioned his background and whether he was a fit in the city's social circuit, and the article's headline: "The Talented Mr. Reyes: How a man of meager means and a mysterious past duped Dallas society."

Reyes asserted various claims, including defamation per se, intentional infliction of emotional distress, negligence, and conspiracy to defame. *D Magazine* filed a motion for summary judgment, which the trial court granted in part and denied in part.

The Fifth Court of Appeals in Dallas reversed the trial court, ruling that *D Magazine* is entitled to a summary judgment on all of Reyes' claims and rendering a take-nothing judgment against Reyes. The court concluded that the statements Reyes complained of do not give rise to liability for various reasons, including that they were statement of fact or were mere expressions of opinion or rhetorical flourishes.

"While it is apparent that the article repeated many personal criticisms of Reyes in a manner that undoubtedly hurt his feelings," the court stated in the opinion, "we conclude none of these statements can support a defamation claim against *D Magazine*."