

# Haynes Boone Secures Anti-SLAPP Victory Protecting Investigative Journalism

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

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A Texas appeals court sided with Haynes Boone client *The American Prospect*, affirming the dismissal of defamation claims against the publication and upholding attorney's fees and sanctions after the magazine's investigation into a major emergency room staffing company.

The ruling by the Second Court of Appeals reinforces growing legal protections for journalists covering healthcare industry misconduct under Texas's anti-SLAPP law, known as the Texas Citizens Participation Act (TCPA), which shields reporting on matters of public concern from retaliatory lawsuits.

Dr. David Darrigan sued *The American Prospect* over his mention in a July 2023 article detailing the "Lehman-like collapse" of American Physician Partners, which staffed 135 hospital emergency rooms across 18 states before abruptly shutting down.

Haynes Boone lawyers have lobbied to protect the TCPA, which allows courts to quickly dismiss lawsuits designed to silence protected speech.

"When a publication is made about an organization that staffs or provides medical care and services, such communications are related to health and safety issues that impact the public and constitute matters of public concern," Justice Wade Birdwell wrote in the opinion. "Thus, the article as a whole is about a matter of public concern."

"This decision reinforces robust protections for reporting on matters of public concern and confirms that the TCPA remains a powerful tool against meritless suits aimed at chilling speech," said Haynes Boone Counsel [Catherine Robb](#). "We're proud to have defended our client's journalism and to have secured full relief under the statute."

Robb and Haynes Boone attorneys [Laura Prather](#) and [Reid Pillifant](#) led the firm's appellate team.

The court affirmed awards to *The American Prospect* for \$118,280 in legal fees plus \$30,000 in sanctions, with an additional \$31,918.50 in fees and sanctions for article source Greg Hansen. The sanctions specifically aim to prevent future litigation targeting protected speech.

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