Catherine Robb

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RELATED PRACTICES Anti-SLAPP and First Amendment Rights, Intellectual Property Litigation, Media and Entertainment Litigation, Social Media, Trademark Litigation, Copyright, Litigation, Media, Entertainment and Sports

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Catherine Robb is counsel in the Business Litigation Practice Group in the Austin office of Haynes Boone. Catherine represents clients in the broadcast industry. Her practice is focused on commercial and business litigation, First Amendment litigation, pre-publication review and editing, copyright and trademark litigation, general commercial litigation, open government issues and privacy concerns. She advises clients concerning media law issues for an extensive array of content providers including online and traditional newspapers, magazines, radio and broadcasters, cable television stations, production companies and music entities.

SELECTED CLIENT REPRESENTATIONS

- *Book People, Inc. et al. v. Wong, et al.,* Case No., 91 F.4th 318 (5th Cir. 2024) – affirming preliminary injunction of portions of HB 900 (READER Act) requiring booksellers to rate every book ever sold to Texas public schools based on unconstitutionally vague definitions of “sexually explicit” and “sexually relevant.” The 5th Circuit held these portions of the Act were unconstitutional compelled speech. The ruling withstood a *sua sponte* request for en banc reconsideration.
- *Alarid Felix v. Bleecker Street Media LLC*, No. 2:24-cv-00775, (E.D. Tex.) - Haynes Boone successfully secured the voluntary dismissal of a copyright lawsuit in which the plaintiff alleged his copyright on his Spanish language novel was infringed by our clients, the producers and distributors of the English language movie Jules. We filed a motion to dismiss on behalf of all defendants and worked to encourage the plaintiff to voluntarily dismiss his lawsuit by both presenting him with evidence and argument of our clients’ non-liability and by challenging him to demonstrate his burden to avoid dismissal. As a result, within one week of receiving our discovery requests, the plaintiff dropped the suit, avoiding costly litigation (including discovery) and securing a swift, favorable result for our clients.
- *Mitchell v. Big Fish Entertainment*, Cause No. 1:21-CV-388-RP, ___ F. Supp. ___, 2023 WL 11832097 (W.D. Tex. 2023) – A federal district court dismissed, under Rule 12(b)(6), claims of conspiracy and negligence brought against production company that participated in a ride-along with law enforcement and broadcast the arrest of Plaintiff on “Live PD.”

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- *Broder, et al. v. Nexstar Media Inc. & Jody Barr,* Cause No. 03-19-00484-CV, 2019 WL 5866590 (Tex. App.—Austin 2021, no pet.) – affirming dismissal under the Texas Citizens Participation Act of claims brought by a doctor and his medical practice over an investigative report by Nexstar Broadcasting Group, Inc. and its reporter, Jody Barr. Although the Plaintiff did not file a petition for review, he tried to overturn the ruling through a separately filed Bill of Review but was unsuccessful. The Bill of Review was dismissed in the trial court through a Rule 91a Motion to Dismiss, which was affirmed on appeal.
- *Burns v. CBS Stations Group of Texas, LLC,* Cause No. 05-20-00700-CV, 2020 WL 7065827 (Tex. App.—Dallas 2020, no pet.) – reversing the denial of a dismissal under the Texas Citizens Participation Act of claims brought against CBS Stations Group of Texas, LLC for defamation and negligence after relying on a mug shot provided by law enforcement to identify an individual with the same name involved in a bank robbery.
- *ProPublica, Inc. v. Frazier,* Cause No. 2018-45639 (234th Judicial District Court, Harris County, Texas), Cause No. 01-19-0009-CV, 2020 WL 370563 (Tex. App. – Houston [1st Dist.] Jan. 23, 2020, pet. denied) – reversing the denial of a motion to dismiss under the Texas Citizens Participation Act in a case brought by a prominent Houston doctor against ProPublica and the *Houston Chronicle* for a joint investigative article written about his career as a heart surgeon and questions that had been raised about some of his practices and procedures. Initially, the trial court denied the TCPA motion and refused to consider the affirmative defenses including the truth and privileged nature of the reporting. The Court of Appeals reversed and remanded for the trial court to consider the affirmative defenses brought.
- *ProPublica, Inc. v. Frazier,* Cause No. 2018-45639 (234th Judicial District Court, Harris County, Texas), Cause No. 01-22-00281-CV (Tex. App. – Houston [1st Dist.] April 25, 2024, no pet.) – reversing the denial of a motion to dismiss under the Texas Citizens Participation Act for the second time. This time holding that the investigative report at issue was substantially true and a fair, true and accurate report of official proceedings, dismissing all claims, and remanding for an award of attorney's fees.
- *Lowry v. Fox Television Stations, LLC, et al.,* Cause No. 2020-14375 (281st Judicial District Court, Harris County, Texas), Cause No. 01-20-00627-CV, 2022 WL 2720509 (Tex. App.—Houston [1st Dist.] 2022, no pet.) – affirming the dismissal of defamation and negligence claims brought against Fox Television Station KRIV for its reporting on the plaintiff's recent arrest for possessing lewd visual images of a child.
- *Moore v. Dallas Morning News, Inc., et al.,* No. 05-22-01286-CV, 2021 WL 5480679 (Tex. App.—Dallas, 2024) – affirming the dismissal of a defamation action brought against the *Dallas Morning News* for its reporting on the plaintiff's arrest and related criminal proceedings for being a felon in possession of a firearm.
- *KTRK Television, Inc. v. Theaola Robinson,* 409 S.W.3d 682 (Tex. App.—Houston [1st Dist.] 2013, pet. denied) – reversing denial of a motion to dismiss under the Texas Citizens Participation Act in a lawsuit brought by plaintiff against local broadcaster, KTRK, for its investigative reporting on the closing of a local charter school due to lack of adequate funds and allegations of financial mismanagement and failure to properly account for state funds. On remand, the trial court awarded all attorney's fees incurred at the trial and appellate court level.
- *Jones v. Kirkstall Road Enterprises, Inc.,* Cause No. 05-18-00592-CV, 2020 WL 2059910 (Tex. App. – Dallas April 29, 2020, no pet.) – affirming the grant of summary judgment in a lawsuit claiming negligence and brought by the plaintiff against a production company for its blurring of his image in an episode of *The First 48*.
- *McClain v. USA Today Newspaper,* 2010 WL 2404651 (Tex. App. - Dallas 2010).
- *Rosenfeld v. Twentieth Century Fox Film Corp.*, 37 Med. L. Rptr. 1348 (C.D. Cal. 2009).
- *In re BP Products North America Inc.*, 263 S.W.3d 117 (Tex. App. - Hou. [1st Dist.] 2006, no pet.).

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PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- PBS Board of Directors, elected to Board of Directors, 2020, Board General Vice Chair, 2022
- Texas Lyceum, named to the Board, 2015
- Health Alliance for Austin Musicians (HAAM), board member
- University of Virginia Alumni, Board of Managers, 2021-present
- Austin Film Society, board member, 2006-2013, Former Board President
- Ann Richards School for Young Women Leaders, board member 2006-2012, Former Board Vice-Chair
- Austin Music Foundation, board member, 2004-2010
- Humanities Texas, board member, 2007-2013, Treasurer 2011-2012, Secretary 2012-2013, Current Alumni Board Co-Chair
- LBJ Library Future Forum, founder and Chair Emeritus, board member, and former chairman (2002-2013)
- Austin's PBS station, KLRU, board member and former board chair, Austin City Limits Committee member
- Mayor's Health and Fitness Council, former board member
- Sargent Shriver National Center on Poverty Law, board member, 2004-2011, 2015-2021
- American Heart Association (Capital Area Division), board member, 2003-2009
- State Bar of Texas, appointed member of the Judicial Relations Committee, 2001-2004 and 2008-2009
- University of Texas School of Undergraduate Studies, advisory council, 2012-2018
- LBJ School of Public Affairs, advisory council, 2011-present
- Texas Exes Council Member, 2012-2018
- The University of Texas' Commission of 125 and Service to Society Committee, member, 2002-2004
- Leadership Austin, member and 2003 Graduate
- The First Amendment Institute's First Amendment Leadership Program graduate, 2002
- The Seton Forum, former member
- Reading is Fundamental of Austin, volunteer
- Volunteer Legal Services, volunteer
- Trinity Center, volunteer
- Back on My Feet, volunteer
- American Inns of Court - Lloyd Lochridge Inn of Court, member (2010-present), former President, Executive Committee, 2011-present
- Media Law Resource Center, member, Entertainment Law Committee, member
- American Bar Association, Forum on Communications Law, Governing Committee member, former chair of Women in Communications Law Committee
- Texas Bar Association
- Austin Bar Association
- Texas Bar Foundation, Life Fellow

AWARDS AND RECOGNITIONS

- Listed in *Chambers USA*, Chambers and Partners, for First Amendment Litigation (Nationwide), 2025-2026
- Recognized as a "Lawyer of the Year" in Litigation and First Amendment Law by *The Best Lawyers America*, Woodward/White, Inc., 2024, 2026
- Selected for inclusion in *The Best Lawyers in America*, Woodward/White, Inc., for Litigation - First Amendment, 2020-2027; First Amendment Law, 2026-2027; Litigation - Intellectual Property,

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2027
- Member, Fellows of the Texas Bar Foundation

PUBLICATIONS AND SPEAKING ENGAGEMENTS

- "Texas Court of Appeals Upholds Anti-SLAPP Dismissal of Claims Brought by Suspect in Child Pornography Case," author, Media Law Resource Center, August 2022.
- "Hot Issues in Libel & Privacy," facilitator, ABA 26th Annual Forum on Communications Law Conference, January 27-February 2, 2021.
- "Texas Court Grants Summary Judgment to Real Crime Show Producer in Negligent Publication Case Plaintiff Alleged Show Almost Got Him Killed," co-author, Media Law Resource Center, April 2018.
- "Appellate Court Affirms Final Judgment Dismissing Case Against Media Defendant Under Texas's Anti-SLAPP Statute," co-author, Media Law Resource Center, April 2016.
- "Texas Anti-SLAPP Law," co-presenter, CLE Presentation, Travis County Judiciary, October 8, 2015.
- "Texas Broadcaster Wins Anti-SLAPP Motion," author, Media Law Resource Center, June 2014.
- "New Laws in Texas Impacting the Media," co-author, Media Law Resource Center, July 2013.
- "Summary Judgment for Texas Broadcaster Affirmed," author, Media Law Resource Center, December 2012.
- "Lawsuits Over Political Ads Raise Questions Over Defamation," interviewee, KVUE News, May 2012.
- "Beyond Thunderdome: The Internet and Social media get Political," KVUE News, May 2012.
- "Wrongful Death Lawsuit Against A&E Dismissed on Jurisdictional Grounds," author, Media Law Resource Center, April 2012.
- "Strategies for Efficiently and Economically Winning a Media Case," co-author, *ABA/TIPS Media Newsletter*, Spring 2011.
- *Reporter's Privilege Compendium*, co-author, The Reporters Committee for Freedom of the Press, 2010.
- "Local Non-Profit Threatened with Lawsuit Over Documentary Showing," Interviewee, KVUE News, April 2010.

QUALIFICATIONS

EDUCATION

- J.D., The University of Texas School of Law, 1998, *with honors*
- B.A., University of Virginia, 1992

CLERKSHIPS

  - Law Clerk, Judge W. Royal Furgeson, U.S. District Court for the Western District of Texas, 1998-1999

ADMISSIONS

- Texas

COURT ADMISSIONS

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- U.S. Court of Appeals for the Fifth Circuit
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Western District of Texas
- United States Supreme Court

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