

# CAHILL

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## First Amendment & Media

From the Pentagon Papers case in 1971 to our representation of Senator Mitch McConnell before the U.S. Supreme Court on the constitutionality of the McCain-Feingold campaign finance regulations, Cahill has been the nation's most prominent defender of free speech. Our sophisticated and varied practice focuses on complex disputes involving speech restrictions, defamation, libel, privacy rights, and copyright and trademark infringement.

Our prominent First Amendment cases include litigation concerning constitutional challenges to the McCain-Feingold law in which we represented Senator Mitch McConnell before the U.S. Supreme Court (as *amicus curiae*) defending the rights of corporations and unions to speak publicly about politics and elections (*Citizens United v. Federal Election Commission*) and the Bipartisan Campaign Reform Act in which we represented Senator Mitch McConnell and the National Association of Broadcasters before the three-judge district court and the United States Supreme Court (*McConnell v. Federal Election Commission*); government efforts to compel journalists to reveal their confidential sources in the context of an investigation into the disclosure of a CIA agent's identity (*Miller v. United States*); the effort of a trial judge to enter a prior restraint against publishing the names of jurors (*United States v. Quattrone*); the dispute between the Brooklyn Museum of Art and Mayor Rudolph Giuliani over the museum's display of controversial, contemporary art (*Brooklyn Institute of Arts and Sciences v. City of New York*); and litigation instituted to prohibit the Department of Justice from serving subpoenas on telephone service providers seeking the disclosure of the phone records of two reporters for *The New York Times* (*New York Times v. Gonzales*). For the past 30 years, we have successfully represented all of the television networks in various states against challenges to their ability to conduct exit polls, including successful challenge in 2010 to a New Jersey statute that would have prevented exit polling.

We have, as well, successfully litigated numerous defamation matters on behalf of significant media clients. Examples include our winning dismissal of defamation claims brought against Time Warner Cable Inc. by state court judge Justice Francois Rivera (*Rivera v. NYP Holdings, Inc., et al.*; affirmed on appeal *Rivera v. Time Warner, Inc.*); Yale University Press against an Islamic Charity which agreed to drop its libel suit in the face of anti-SLAPP motions brought by Yale and other defendants (*KinderUSA v. Yale University Press et al.*); NBC in its dispute with Wayne Newton resulting in the reversal of a \$19 million verdict entered in Newton's favor (*Newton v. National Broadcasting Co.*); summary judgment for *The New York Times* in a libel suit brought by New York City's former medical examiner (*Gross v. New York Times*); and Time Magazine in a libel action commenced by the Church of Scientology (*Church of Scientology International v. Time Warner, Inc.*).

Cahill has substantial experience in litigating privacy rights. We have represented the media in seminal cases such as our successful litigation through the New York Court of Appeals to retain the narrow statutory focus of New York privacy law (*Arrington v. New York Times*). We succeeded in persuading the Second Department to adopt a narrow interpretation of Sections 50 and 51 of New York's Civil Rights Law in the face of an effort to sweep television satire within the scope of the statute (*Frank v. NBC*).

We have a strong track record litigating copyright and trademark cases in courts around the country. Significant copyright and trademark cases of note include: defending CBS against copyright infringement claim brought by the Estate of Martin Luther King, Jr., Inc., alleging that a documentary violated the Estate's copyright in Dr. King's "I Have a Dream" speech (*CBS v. King*); defeating efforts to enjoin the distribution of Al Franken's book *Lies and the Lying Liars Who Tell Them: A Fair and Balanced Look at the Right* (*Fox News Network v. Penguin Group and Al Franken*); successfully defending a publisher and author against efforts by Chuck Norris to restrain publication of *The Truth About Chuck Norris: 400 Facts About the World's Greatest Human* in a case asserting trademark, anti-dilution and cybersquatting claims and representing Pepperidge Farms, maker of the familiar goldfish crackers, in a trademark dilution claim brought against Nabisco arising out of Nabisco's efforts to market a goldfish-shaped cracker of its own (*Nabisco v. PF Brands*).

CAHILL GORDON & REINDEL LLP