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## Dismissal of Defamation Claims Against Time Warner Affirmed on Appeal

**Date:** 11/18/08

Cahill prevailed on behalf of Time Warner Inc. and Time Warner Cable, Inc. in *Rivera v. Time Warner, Inc.*, an appeal filed in Manhattan Supreme Court, Appellate Division, First Department. The appeal was filed by state court judge, Justice Francois Rivera, seeking to reverse dismissal of defamation claims against Time Warner, which owns and broadcasts the 24-hour cable news channel NY1, in *Rivera v. NYP Holdings, Inc., et al.*

In two broadcasts, NY1 had briefly highlighted two *Post* articles in its "In the Papers" segment, which offers a survey of news that appears in New York City daily newspapers. The *Post* articles had reported that Justice Rivera was being investigated for allegedly purchasing his judicial seat for \$50,000 as part of a larger investigation into political corruption charges against Brooklyn Democratic party boss Clarence Norman. In affirming dismissal of Time Warner, the Court ruled that Justice Rivera had failed to plead "actual malice," a required element of defamation claims brought by public officials such as state judges. The Court also agreed that NY1's status as a republisher of information already published in the *Post* did not lower the standard of fault for plaintiff.

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### Attorney

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