
U.S. Court of Appeals Overturns Judgment in Defamation Case Against Chris Kyle

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In 2015, on behalf of 33 media entities and organizations, Cahill submitted a brief, *amici curiae*, to the Eighth Circuit in the appeal of an unprecedented award in a defamation suit brought by former Governor of Minnesota Jesse Ventura against Chris Kyle, a former U.S. Navy SEAL and author of the 2012 best-selling autobiography, *American Sniper*. The suit arose out of a one-and-a-half page passage of Kyle's book in which he described a bar fight with an individual he identified only as "Scruff Face," and whom he later publicly confirmed to be Ventura. In August 2014, the trial court awarded former Governor Ventura \$500,000 judgment for damages and \$1.3 million based on profits purportedly received by Kyle from the sale of his book. *Amici* argued that the ruling awarding a libel plaintiff profits received from the sale of a book is unprecedented in American history and cannot be reconciled with the common law or the First Amendment.

In 2016, the U.S. Court of Appeals for the Eighth Circuit unanimously reversed the award of profits, recognizing—as Cahill had urged on behalf of *amici*—that there appears to be no libel case in American history in which such an award of profits had been made. Companies which signed on to the brief included A&E Television Networks, BuzzFeed, Gannett Co., Hearst Corp., the Motion Picture Association of America, the New York Times Co., Penguin Random House, Time Inc., and the Washington Post.

Attorney

- Floyd Abrams