

“Fla. Defamation Suit Shield Doesn’t Extend To Books, Movies,” Law360

July 10, 2019

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Jon Polenberg, Yasin Daneshfar, and Andrew Polenberg represented Francisco Javier Ospina Baraya, the grandson of a former Colombian president, in a defamation suit that went up against publishing powerhouses Penguin Random House and Little, Brown and Company, among others. The ruling, in favor of the client, sets a precedent for defamation law in Florida.

The appeals court ruled that books and movies are, in fact, not subject by a presuit notice requirement when it comes to defamation. The court, therefore, would not dismiss Baraya’s claim that the book, and subsequent movie, “The Infiltrator” painted a false picture of him and his involvement with the notorious Pablo Escobar.

According to Shareholder Jon Polenberg, “In this matter of first impression, the court specifically reasoned that books, movies and authors are not included as defendants entitled to the presuit notice, significantly limiting Florida statute 770.01 to only the press.”

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