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Neal Gerber Eisenberg Obtains Dismissal of Defamation Lawsuit for Newspaper and Reporter

On February 18, 2018, Neal Gerber Eisenberg (NGE) was successful in obtaining the dismissal of a defamation lawsuit on First Amendment grounds for clients Madison County Record Inc., a newspaper, and one of its reporters, Heather Istringhausen Gvillo. Representing the defendants were Steven F. Pflaum and Andrew G. May.

The case arose from an article about retired Judge Nicholas Byron, who presided over the asbestos docket in Madison County, Illinois for several years. Judge Byron sued the Madison County Record and reporter Ms. Gvillo over an article published on September 10, 2014, titled "Asbestos Litigation Exploded Under Byron's Watch." The article chronicled the rise of Madison County's asbestos docket and the role that Judge Byron played in establishing Madison County's reputation as a magnet for plaintiff-friendly asbestos litigation in the United States. The article included a quote from law professor Lester Brickman saying that Judge Byron was "corrupt as the day is long." Judge Byron alleged that the article defamed him and cast him in a false light.

NGE moved to dismiss the lawsuit on a variety of grounds including, among other things, that the quote was protected by the First Amendment. The Judge granted the motion and dismissed the case, holding that

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the article's publication of Professor's Brickman's quote amounted to constitutionally protected speech.

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