

TO: PRESS
FROM: JULIAN HUBBARD, Esq. Attorney for Respondent NICOLE TAUS
DATE: 2/26/07
RE: Supreme Court Decision in Taus v. Loftus

In our view, today's Supreme Court decision is a victory for people whose privacy is invaded by unscrupulous means, even when those people assert the constitutional protections afforded the Fourth Estate. We believe that researchers who put aside the ethics of their professions by engaging in advocacy journalism are put on notice now that they cannot afford to engage in shadowy misconduct to meet their own agendas and objectives.

It is important to remember that this case is only in the most initial stages. The complaint was filed four years ago. There has been no discovery. All the evidence developed thus far by both sides has been extremely limited.

This is not a case about freedom of the press and those who seek to restrict it. This case is about whether someone can use deception and fraud to obtain information about someone's private life.

The ANTI SLAPP statute puts a huge burden on anyone who asserts claims against those claiming free speech protections---a burden that requires factual and legal justification over an enormous period of time and through countless rounds of analysis. The trial court permitted the majority of claims to proceed. The Court of Appeal disagreed with the trial court and struck several claims but permitted several to proceed. The Supreme Court disagreed with the Court of Appeal and struck all claims but one. The Supreme Court also took the unusual step of providing the defendants with an additional defense that they had not even raised in the trial court or the Court of Appeal. Still, after all the challenges raised, and all the time that has passed, the plaintiff is permitted to proceed with her case. Ultimately, it will now be for a jury to decide if defendants' conduct was wrongful.