

FOX SETTLES WITH DOMINION: THERE WAS GAMBLING AT CAFE RICK'S CASINO

The nuts and graphs are here courtesy of the New York Times:

“The judge in the Fox News defamation case said on Tuesday that the case was resolved, abruptly ending a long-running dispute over misinformation in the 2020 election just as a highly anticipated trial was about to begin.

It was a last-minute end to a case that began two years ago and after the disclosure of hundreds of thousands of pages of documents that peeled back the curtain on a media company that has long resisted outside scrutiny. The settlement included a \$787.5 million payment from Fox, according to Justin Nelson, a lawyer for Dominion.

“The truth matters. Lies have consequences,” he said outside the courthouse. “Over two years ago, a torrent of lies swept Dominion and election officials across America into an alternative universe of conspiracy theories causing grievous harm to Dominion and the country.”

Dominion had originally sought \$1.6 billion in damages. Fox Corporation said in a statement that “we acknowledge the court’s rulings finding certain claims about Dominion to be false.”

It added: “We are hopeful that our decision to resolve this dispute with Dominion amicably, instead of the acrimony of a divisive trial, allows the country to move forward from these

issues."

The agreement was reached a few hours after a jury in Wilmington, Del., was selected on Tuesday, just as opening statements were expected to begin.

Lawyers for both sides had been preparing to make their cases to the jury, their microphones clipped to their jacket lapels.

The sudden settlement means no high-profile Fox figures – including those who privately expressed concerns about the veracity of claims being made on its shows – will have to testify. The expected witness list had included Fox executives, including Rupert Murdoch, the chairman of Fox Corporation, and the hosts Tucker Carlson, Sean Hannity and Maria Bartiromo.

It was the latest extraordinary twist in a case that had promised to be one of the most consequential against a media organization in a generation.

The trial had been expected to be a major test of the First Amendment, raising questions about whether defamation law adequately protects victims of misinformation campaigns.

While the settlement avoids a lengthy trial, it still results in a rare instance of accountability for attempts to delegitimize President Biden's victory. Few people or organizations have faced legal ramifications for claims related to electoral fraud that were brought by former President Donald J. Trump or his supporters.

Dominion sued Fox in early 2021, arguing that its reputation was badly damaged when Fox repeatedly aired falsehoods about its voting machines. Fox denied wrongdoing, saying that it had merely reported on newsworthy allegations that

were coming from Mr. Trump and his lawyers and that it was protected in doing so by the First Amendment.

Judge Eric M. Davis had previously ruled that statements Fox had aired about Dominion were false, and functionally limited some of its potential defenses by deciding that its lawyers could not argue that it broadcast false information on the basis that the allegations were newsworthy.

At trial, a jury would have been tasked with answering the question of whether Fox had acted with “actual malice” – a legal standard meaning it had knowingly broadcast lies or had recklessly disregarded obvious evidence that the statements were untrue.”

Personally, I am shocked to find such gambling here in Ricks Cafe. Or not so much. Am feeling pretty good about my post yesterday morning.

I'll leave it at that for now. Who could have known?

And for the inevitable dopes that will wander in to say “Ohhh, this was not enough!”, or “Ohhh there needed to be more admission and contrition!”, please stop. This was a fine and appropriate settlement. This case was NEVER about you and your politics, it was a jury trial case, which was NEVER going to be about you. Stop now.