CLIENT ALERTS & INSIGHTS

A Defining Year for Defamation: Key Decisions and Emerging Trends

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Featured Practices: Litigation, Defamation Litigation, Crisis Management & Strategic Response

Key Takeaways

- The past year saw several high-profile rulings reinforcing core defamation principles, including the Supreme Court's refusal to revisit Alex Jones's $1.4 billion verdict, new guidance on actual malice standards and changes to anti-SLAPP motion procedures in the Ninth Circuit-all of which are reshaping the legal landscape for media, public figures and their counsel.
- These decisions highlight that the risk environment has sharpened: companies, executives and media face significant financial exposure for repeated false statements, while public-figure plaintiffs remain constrained by strict pleading standards. Litigation defenses are becoming less effective in delaying cases. Courts are showing deference to jury verdicts and emphasizing the need for concrete evidence of actual malice.
- Media organizations, public figures and their advisors should carefully assess reputational risks, assess and tighten pre-publication review and documentation of sources, assume limited ability to pause litigation via anti-SLAPP appeals, and for plaintiffs, front-load specific facts supporting actual malice to survive early dismissal.

Introduction

The past year has brought a wave of significant defamation decisions that are reshaping the legal landscape for media organizations, public figures and their counsel. From the Supreme Court's refusal to revisit a historic billion-dollar verdict to federal courts addressing the standards for pleading actual malice, these cases offer critical guidance for practitioners advising clients on reputational risk, litigation strategy and First Amendment protections. This article surveys the most consequential defamation cases and rulings between June 2025 and the present, highlighting the facts, procedural history and practical insights from each case.

Supreme Court Declined to Hear Alex Jones's Appeal of $1.4 Billion Defamation Verdict

In a case watched closely by defamation practitioners nationwide, the U.S. Supreme Court declined to hear Alex Jones's appeal of the $1.4 billion defamation verdict against him in connection with his false claims about the Sandy Hook Elementary School shooting. Jones had challenged the verdict on multiple grounds, but the Supreme Court's decision to deny certiorari leaves intact one of the largest defamation judgments in American history. The denial signals that the Court sees no pressing need to revisit the underlying legal framework applied in the case, including the procedures used to determine damages.

Key Insights: The Supreme Court's refusal to intervene underscores the durability of defamation verdicts where defendants have engaged in sustained, knowing falsehoods that cause demonstrable harm to identifiable victims. For practitioners, this outcome reinforces that repeated, deliberate dissemination of false statements, particularly those targeting private individuals in the aftermath of tragedy, can result in catastrophic financial exposure. The case also serves as a reminder that appellate courts are unlikely to disturb jury findings on damages where the trial record supports the scope of harm inflicted.

Mike Lindell's Challenge to Defamation Verdict Rejected

Eric Coomer, a former executive at Dominion Voting Systems, brought defamation claims against Mike Lindell, the CEO of MyPillow, over Lindell's repeated public assertions that Coomer had manipulated voting machines during the 2020 presidential election. At trial, the jury found in favor of Coomer, concluding that Lindell had defamed him, and awarded $2.3 million in damages. In March 2026, U.S. District Court Judge Nina Wang rejected Lindell's post-trial motion challenging the verdict, finding that the evidence at trial amply supported the jury's conclusions. Judge Wang also denied Coomer's cross-motion seeking an increase in damages, holding that the jury's award was within the range supported by the record.

Key Insights: The Coomer decision illustrates the real financial consequences that flow from making unsubstantiated public accusations against individuals. The court's refusal to disturb the jury's verdict on either side-declining both to overturn the finding of defamation and to increase the award-demonstrates the deference courts afford to jury determinations in defamation cases.

The Landscape for Anti-SLAPP Motions in California Has Changed

In *Gopher Media LLC v. Melone*, the Ninth Circuit Court of Appeals expressly overruled its prior decision in *Batzel v. Smith*, which had permitted immediate interlocutory appeals of anti-SLAPP motions under California's anti-SLAPP statute. The court held that anti-SLAPP motions are not suitable for immediate appellate review under the collateral order doctrine, reasoning that such motions do not resolve rights that would be irretrievably lost absent an immediate appeal. The court reached its decision based on its conclusions that the California anti-SLAPP analysis requires fact-intensive inquiries tied to the merits of the case, and anti-SLAPP denials can be effectively reviewed after final judgment. The court also noted that parties may still pursue discretionary interlocutory appeals certified by the district court. As a result of this ruling, parties may no longer obtain a stay of proceedings in the trial court while pursuing an interlocutory appeal of an anti-SLAPP denial in the Ninth Circuit.

Key Insights: This decision fundamentally alters litigation strategy for parties invoking anti-SLAPP protections in federal cases within the Ninth Circuit. Previously, defendants could file an anti-SLAPP motion, and if denied, immediately appeal while the case remained stayed, effectively delaying discovery and trial for months or even years. Now, defendants who lose an anti-SLAPP motion must continue to litigate at the trial level while any appeal proceeds. The court's holding thus reduces the impact of anti-SLAPP motions as a tool for defendants.

The President's $10 Billion Defamation Lawsuit Dismissed

The President filed a $10 billion defamation lawsuit against Dow Jones & Company, the publisher of The Wall Street Journal, over a report describing a lewd birthday greeting the President allegedly sent to Jeffrey Epstein. U.S. District Court Judge Gayles dismissed the case, finding no plausibly alleged actual malice-that is, that the Wall Street Journal published the report with knowledge of its falsity or reckless disregard for the truth. The court dismissed the case without prejudice, and on May 27, 2026, the President refiled the lawsuit.

Key Insights: This case serves as another illustration of the burden public figures must meet to sustain a defamation claim under the actual malice standard established in *New York Times Co. v. Sullivan*. Merely alleging that a report is false is insufficient; the plaintiff must plausibly plead that the publisher knew the statement was false or acted with reckless disregard for its truth. For plaintiffs' attorneys, the decision is a lesson about the importance of identifying specific, concrete facts supporting actual malice at the pleading stage rather than relying on general assertions of falsity.

Cross-Claim for Defamation Asserted Against Blake Lively Dismissed

Actress Blake Lively filed a complaint against Wayfarer Studios and its executives, including actor and director Justin Baldoni, as well as public relations specialists for Wayfarer Studios, alleging various claims in connection with the production and subsequent promotional campaign for the film "It Ends With Us." Lively had also filed a complaint with the California Civil Rights Department alleging that Baldoni and Wayfarer embarked on a retaliatory press and digital campaign against her for speaking up about misconduct on set, which became the subject of a New York Timesarticle. Wayfarer Studios filed a cross-complaint against Lively, her husband Ryan Reynolds, her publicist and the New York Times, alleging defamation and other claims.

The court granted Lively's motion to dismiss the cross-complaint, finding that statements attributed to Lively's California Civil Rights Department complaint were protected by both the litigation privilege and the fair report privilege. The court further held that additional statements allegedly made by Lively's husband and publicist could not support a defamation claim because Wayfarer failed to plead that those statements were made with actual knowledge of falsity, thereby failing to establish actual malice. As to the New York Times, the court found that statements drawn from Lively's civil rights complaint were shielded by the fair report privilege, and that other statements about Baldoni's alleged "smear campaign," while arguably the product of the Times's independent reporting, did not meet the actual malice standard because text messages between the parties "strongly suggest[ed] the Wayfarer Parties did spread negative stories about Lively."

On Monday, June 1, the court heard arguments on Lively's requests for damages and legal fees under California Civil Code Section 47.1. This is a relatively new law in California which creates a qualified privilege that protects individuals who speak out about sexual assault, harassment and discrimination from defamation claims. The law was created in response to numerous lawsuits that were filed by perpetrators of sexual misconduct against those who reported the misconduct. Lively is arguing that because the defamation cross-claims were dismissed, she is the prevailing party under Section 47.1, which entitles her to legal fees and costs, compensatory damages, and punitive damages.

Key Insights: This case is likely the highest-profile defamation lawsuit of the year, drawing intense media coverage with parallels to the *Depp v. Heard* litigation. For practitioners, the ruling provides another illustration of how the litigation privilege and fair report privilege can operate in tandem to protect statements made in the course of legal proceedings and media coverage of those proceedings. It also reinforces the actual malice standard, particularly where underlying documentary evidence, such as text messages, corroborates the substance of the allegedly defamatory statements. The case will continue to develop as Lively's affirmative claims proceed to discovery and potentially to trial, and practitioners should monitor it for further guidance on the intersection of entertainment industry disputes and defamation law. Additionally, the court's decision on whether to award fees under Section 47.1 will shape how the statute is interpreted and used moving forward.

The President Attempted and Failed to Invoke the Westfall Act

The Westfall Act, formally known as the Federal Employees Liability Reform and Tort Compensation Act of 1988, protects federal employees from personal liability for common law torts committed within the scope of their employment by allowing the United States to be substituted as the defendant. The Act has played a central and contentious role in the long-running defamation litigation between E. Jean Carroll and the President. In 2019, Carroll sued the President for defamation based on his public statements denying her allegations that he sexually assaulted her in a department store dressing room in 1996. In September 2020, the Department of Justice under then-Attorney General Barr certified that the President had been acting within the scope of his employment when he made the allegedly defamatory statements, removed the case to federal court, and moved to substitute the United States as the sole defendant under the Westfall Act. The district court denied the motion, and years of litigation over the Westfall Act issue followed. The Second Circuit reversed the district court's holding that the President is not an employee under the Westfall Act, but certified the scope-of-employment question to the D.C. Court of Appeals, which held that the question was one for the factfinder and could not be resolved as a matter of law on the record before it. In July 2023, the Department of Justice under Attorney General Garland declined to issue a new Westfall Act certification, and neither the President nor the government sought substitution before the case proceeded to trial.

The case went to trial in January 2024, and the jury awarded Carroll $83.3 million in compensatory and punitive damages. In September 2025, a unanimous three-judge panel of the Second Circuit affirmed the judgment. After the appeal was fully briefed, and after beginning his second term as President, he and the government jointly moved in the Second Circuit to substitute the United States as a party under the Westfall Act. The Second Circuit denied the motion, holding that it was statutorily barred because it was not made before trial, that both the President and the government had waived any right to seek substitution by failing to timely petition the district court, and that equitable considerations also warranted denial of the belated motion. On April 29, 2026, the full Second Circuit denied the President's petitions for *en banc* rehearing in a split decision. Judge Chin, writing for the majority, emphasized that "no other defendant would be permitted to move to substitute the United States in his place, 15 months after trial and the entry of judgment against him." Judge Menashi dissented, arguing that the panel's decisions were erroneous and that the rejection of the Westfall Act substitution creates a circuit split. The President has since petitioned the Supreme Court for review of the case.

Key Insights: The Carroll litigation offers the most detailed judicial examination of the Westfall Act's application to a sitting or former president in American legal history. For practitioners, the Second Circuit's rulings establish several important principles. First, the court confirmed that the President is a covered employee under the Westfall Act, but that the scope-of-employment inquiry for presidential statements remains a fact-intensive question under applicable state law, not a blanket shield for any statement made while in office. Second, the decision underscores that timeliness and waiver doctrines apply with full force in the Westfall Act context: failing to pursue substitution before trial can permanently foreclose the defense, regardless of the defendant's stature. Third, with petitions for certiorari now pending before the Supreme Court, this case has the potential to produce landmark precedent on the intersection of presidential immunity, the Westfall Act and personal tort liability, making it one of the most consequential defamation cases to watch in the coming term.

Conclusion

The defamation cases decided over the past year reflect a legal environment in which courts continue to enforce high standards for public-figure plaintiffs while still holding defendants accountable for knowing falsehoods. Practitioners and clients alike should study these rulings carefully to assess risk and shape litigation strategy.

Benesch's Crisis Management & Defamation team continues to actively monitor defamation litigation across the country. Benesch client alerts and legal publications are available for you to receive by signing up HERE.