Cases of Note: La-La Land and the Anti-SLAPP Statute

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He said he is dyslexic and illiterate. Why do I have no trouble believing that? That he had his girlfriend with him, but she was not allowed to read the document because it was just a receipt. And he never got a copy of what he signed.

Whether he signed or not, why did they do this to him? Were they looking for a sequel when he was rubbed out?

And Now For His Fifteen Minutes of Fame

The show aired on the History Channel. Some of the Public Enemy charmers talked about their penchant for savage violence and their excessive drug consumption. Their faces were obscured. Then Doe's face appeared in utter detail along with his nickname.

The episode dealt with the sudden demise of co-founder Scott Miller who had been unwise enough to be interviewed on TV. Um, just like this? Well, sort of.

His face had been covered, but he was easily identified by his tattoos and personal traits.

Yes, the meth-twitch and those permanent SS flashes inked on your throat are kind of a giveaway.

And Doe, with his face revealed and his nickname aired, chatted about murder, identity theft, and the meth commerce.

And I'm sure he about had a cow while watching the show.

And so — Presumably from a Hidden Location — Doe filed suit.

And it was the predictable tortsy stuff: (1) appropriation of likeness; (2) public disclosure of private fact; (3) false promise; (4) negligent infliction of emotional distress; (5) intentional infliction of same. He says he was evicted from his apartment and barraged with death threats. He is no longer employable as a snitch, and he’s had a whole bunch of emotional distress.

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The Release

At this stage of the suit, the effect of the release is not determined. He signed it, but he can demonstrate fraud in the execution if he can show he did not know what he was signing. Vill. Northridge Homeowners Ass’n v. State Farm Fire & Cas. Co., 50 Cal. 4th 913, 921 (2010). And at best being able to read a sign for beer is a pretty classic demonstration. Along with being brain dead.

Public Disclosure of Private Facts

Well, his identity was certainly disclosed to the public. Gangland does not dispute that connecting a person “with a violent gang, if done involuntarily, may be offensive and objectionable to the reasonable person.”

I know that’s just the legal jargon, but it’s almost like they’re trying to be funny.

Intentional Infliction of Emotional Distress

If they lied to him and then exposed his face, that sure does seem kind of extreme and outrageous and the sort of thing that would cause severe emotional distress.

False Promise

This is nothing more than fraud, which goes back to the release issue.

AND the Ninth Circuit held that an anti-SLAPP applies, but TV can’t go around willy-nilly handing people over to PEN1 Death Squads and remanded the case for Doe to make his case.

If he lives that long.