

IN THE SUPREME COURT IN AND FOR THE STATE OF FLORIDA

JEWS FOR JESUS, INC.,

Appellant,

v.

CASE NO. SC 06-2491

EDITH RAPP,

Appellee.

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**FLORIDA MEDIA ORGANIZATIONS' MOTION FOR LEAVE  
TO FILE AMICUS CURIAE BRIEF**

Pursuant to Florida Rule of Appellate Procedure 9.370, Media General Operations, Inc., The New York Times Company, Orlando Sentinel Communications Company, Sun-Sentinel Company, the Florida Press Association, ABC, Inc., ESPN, Inc., the E.W. Scripps Company, the Association of American Publishers, and Cox Enterprises, Inc. (collectively the “Florida Media Organizations”) move for leave to file an Amicus Curiae brief in connection with this matter. In support of this motion, the Florida Media Organizations state as follows:

1. Media General Operations, Inc. is a Delaware corporation and a subsidiary of Media General, Inc., an independent, publicly owned communications company situated primarily in the Southeast with interests in

newspapers, television stations and interactive media. Media General's Florida properties include Tampa-based WFLA-TV News Channel 8, the state's number-one rated television station; a major daily newspaper, *The Tampa Tribune and The Tampa Times*; community newspapers *Highlands Today*, *Hernando Today*, and the *Jackson County Floridan*; and the web site TBO.com.

2. The New York Times Company is a New York corporation and a leading media company that publishes *The New York Times*, *The International Herald Tribune*, *The Boston Globe* and 15 other daily newspapers, including *The Ledger*, based in Lakeland, Florida; the *Sarasota Herald-Tribune*; the Ocala-based *Star-Banner*; and *The Gainesville Sun*. The New York Times Company also owns nine network-affiliated television stations and two radio stations.

3. Orlando Sentinel Communications is the publisher of the *Orlando Sentinel*, a daily newspaper located in Central Florida that circulates throughout the State.

4. Sun-Sentinel Company is the publisher of the *South Florida Sun-Sentinel*, a daily newspaper located in South Florida that circulates throughout the State.

5. The Florida Press Association is a Section 501(c)(6) trade association incorporated in Tallahassee, Florida. It represents daily and weekly newspapers in

Florida on a variety of issues, including those affecting the First Amendment rights of its member newspapers.

6. ABC, Inc. (“ABC”) is a broad-based communications company with significant holdings in the United States and abroad. Alone or through its subsidiaries, ABC owns and operates ABC News, the ABC Television Network, the ABC Radio Network, 72 radio stations and 10 television stations that regularly gather and report news to the public. ABC News produces the television programs World News with Charles Gibson, 20/20, PrimeTime, Good Morning America, Nightline and This Week with George Stephanopoulos, among others.

7. ESPN, Inc. is a multinational, multimedia sports entertainment company featuring the broadest portfolio of multimedia assets in sports marketing with over 40 business entities. The company is comprised of multiple domestic television networks (including the flagship “ESPN” network, as well as ESPN2, ESPN Classic, ESPNEWS, ESPN Deportes and ESPNU), ESPN HD and ESPN2 HD (high-definition services), ESPN Regional Television, ESPN International (25 owned or joint venture international networks and syndication), ESPN Radio, ESPN.com, ESPN The Magazine, ESPN Enterprises, and other growing new businesses including the ESPN360 broadband services and ESPN Wireless. Through its signature “SportsCenter” program and several other specialized programs, such as “Outsides the Lines,” and numerous single-sport programs such

as “Baseball Tonight” and the recently launched “NASCAR Now,” ESPN is a major distributor of sports news and information, investigative reporting and sports commentary.

8. The E.W. Scripps Company is a diverse media concern with interests in newspaper publishing, broadcast television stations, national lifestyle cable networks, electronic commerce, interactive media, and licensing and syndication. E.W. Scripps operates daily and community newspapers in eighteen markets, ten broadcast TV stations, five cable and satellite television programming networks, a television retailing network and online search and comparison shopping services. E.W. Scripps’ Florida properties include the *Naples Daily News*, Treasure Coast Newspapers, and television stations WFTS in Tampa and WPTV in West Palm Beach.

9. The Association of American Publishers (“AAP”) is the national trade association of the U.S. book publishing industry. AAP’s members include most of the major commercial book publishers in the United States, as well as smaller and non-profit publishers, university presses, and scholarly societies. AAP members publish hardcover and paperback books in every field, educational materials for the elementary, secondary, postsecondary, and professional markets, scholarly journals, computer software, and electronic products and services. The

Association represents an industry whose very existence depends upon the free exercise of rights guaranteed by the First Amendment.

10. Cox Enterprises, Inc. (“CEI”) is a Delaware privately held corporation. CEI’s indirect subsidiaries include corporations which have facilities and publish, own and operate news media including the *Palm Beach Post* daily newspaper in West Palm Beach; WFTV-TV and WRDQ-TV television stations in Orlando; and majority-owned publicly-traded [NYSE] Cox Radio, Inc., which owns and operates several radio stations in Miami, Jacksonville, Orlando and Tampa. Other CEI non-news media indirect subsidiaries which own and operate businesses with facilities in Florida include Cox Communications, Inc. cable television/broadband systems in Gainesville, Ocala, Pensacola and Fort Walton Beach; Valpak (a coupon distributor in Largo) and several Manheim automobile auctions.

#### Interest of the Florida Media Organizations

11. Because the Florida Media Organizations include newspapers, television stations, publishers, broadcasters, news organizations, and Internet web sites that report continually on a wide range of local, state, national, and international events and information, they are confronted daily with the prospect of lawsuits alleging false light invasion of privacy. Indeed, any question regarding the existence, meaning, and scope of the tort of false light invasion of privacy

under Florida law directly affects both the dissemination of information by the Florida Media Organizations and the public's ability to receive such information.

12. The certified question to be addressed by this Honorable Court is whether Florida recognizes a cause of action for false light invasion of privacy. This issue is of substantial importance to the Florida Media Organizations because it directly affects the potential legal liability arising from the publication, televising, and/or dissemination of information. As a result, it will have an impact on how the Florida Media Organizations conduct their day-to-day business of reporting the news and on how the public receives such information.

Florida Media Organizations Can Assist in the Disposition of this Case

13. The Florida Media Organizations can assist this Honorable Court in providing a First Amendment and common law-based perspective on the necessity, desirability, and constitutionality of the false light invasion of privacy tort.

14. Additionally, because the Florida Media Organizations regularly confront practical issues relating to providing the public with hard news and informing it of matters of public concern, while simultaneously attempting to steer clear of potential false light and defamation claims, they can provide a practical perspective that may not otherwise be provided by the parties in this case.

All Parties Consent to the Filing of an Amicus Curiae Brief

15. The Florida Media Organizations certify that all parties consent to the filing of an Amicus Curiae brief by the Florida Media Organizations.

WHEREFORE, the Florida Media Organizations respectfully request this Court to grant them leave to file an Amicus Curiae brief, and such other relief as this Court may deem appropriate.

Respectfully submitted,

THOMAS & LoCICERO PL

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was served by mail on this 18 day of October, 2007, to the following persons:

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