

## Winston Litigators Author Article on Docudrama Case: *De Havilland v. FX Networks*

MAY 2018

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Litigation Partner Diana Hughes Leiden authored “Based on True Events,” an article published in the May 2018 issue of *Los Angeles Lawyer*.

Hollywood is keeping a watchful eye on a lawsuit that could have a lasting impact on how real-life personalities are depicted in television and movies. Last year, Olivia de Havilland, a two-time Academy Award winning actress best known for her performance in *Gone with the Wind*, sued the makers of the FX anthology television series *Feud: Bette and Joan*, claiming that the series paints her in a false light and inaccurately portrays her as endorsing the show. However, FX succeeded in striking her claims under the auspices of the First Amendment as a result of the California Court of Appeal’s reversal of the trial court’s denial of FX’s anti-SLAPP motion. The appellate decision, which de Havilland has vowed to appeal, has far-reaching implications for both networks and studios involved in the production of docudramas, as well as actors and other public figures seeking to control who can profit from the commercialization of their identities.

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