

Winston Delivers Historic Win for Beef Products Int'l in “One of the Most Significant” Defamation Cases in U.S. History

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We delivered an historic victory for Beef Products Inc. and related entities (collectively, BPI), in its defamation lawsuit against ABC News and related individuals. The litigation arose after ABC ran a series of reports attacking BPI's product, Lean Finely Textured Beef—falsely describing the product as “pink slime” and falsely implying it was not beef and not safe to eat. The reports nearly destroyed the company—BPI lost more than 80% of its business, was forced to shut down three of its four production plants, and had to let go of more than half of its employees.

BPI retained us a few months later to bring what has been widely reported as the “largest” and “one of the most significant” defamation cases in U.S. history. In the five years leading up to trial, we conducted more than 100 fact depositions across the U.S., more than 30 expert depositions, and briefed close to 100 motions. Our team won every significant motion, including a motion to keep the case in state court, multiple motions to dismiss, two appeals to the South Dakota Supreme Court, and multiple motions for summary judgment. Our team's efforts and victories culminated in what was projected to be an eight-week trial in Elk Point, South Dakota.

The trial's intensity matched the stakes involved, as BPI was seeking more than US\$1.9B in actual damages. We spent weeks putting witness after witness on the stand to prove to the jury that ABC intentionally and knowingly made nearly 200 hundred false statements about BPI and its product. After 18 days of trial and with our team about to put on witnesses to establish the damage caused by ABC's campaign, the case settled for a confidential amount.

IMPACT

The settlement vindicated BPI and its product and put the company on the path to a much-needed recovery. By way of reference, in the aftermath of ABC's broadcasts, BPI closed three of its four processing plants and said its revenue dropped 80% to US\$130M. The company had around 1,300 employees before the reports; some 700 were let go shortly after.

(Beef Products Inc., et al. v. American Broadcasting Cos. Inc., et al. (Case No. 12-292, First Judicial District of South Dakota))

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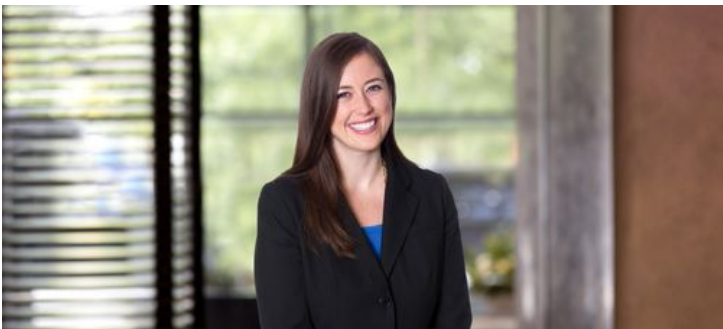
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