

Historic Win Delivered for BPI by Winston

JUNE 28, 2017

On June 28, 2017, Winston & Strawn delivered a historic victory for our client, Beef Products Inc. (BPI), in its defamation lawsuit against ABC.

In March 2012, 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 over 80 percent of its business, was forced to shut down three of its four production plants, and had to let go of more than half its employees.

BPI retained Winston 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. Over the last five years, our team conducted over 100 fact depositions across the country, over 30 expert depositions, and briefed close to 100 motions. Our team won every significant motion—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. The team's efforts and victories culminated in a trial that started on June 5 in Elk Point, South Dakota.

The trial intensity matched the stakes involved, as BPI was seeking over \$1.9 billion in actual damages. Our team 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. With our team about to put on witnesses to establish the damage caused by ABC's campaign, the case settled. The settlement vindicates BPI and puts the company on the path to recovery.

The Winston trial team was led by Partner Dan Webb. The core team included Partner Michael Mayer and Associates Robine Morrison, Michael Bergerson, Joelle Ross, and Sean Suber. At trial, the team expanded to include Partner Stephen D'Amore.

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